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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic reports of States parties due in 2001

Addendum

Italy*

[26 July 2000]

* This document contains the twelfth and thirteenth periodic reports of Italy, submitted in one document, due on 4 February 1999 and 4 February 2001.

The annexes to the report submitted by the Government of Italy may be consulted in the Secretariat files.

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Introduction

1. When the Government of Italy submitted the tenth and eleventh reports* on the International Convention on the Elimination of All Forms of Racial Discrimination at Geneva, on 8 and 9 March 1999, the Committee expressed an overall positive opinion about the implementation of the Convention in Italy. Nonetheless, the Committee formulated some reservations, particularly concerning repeated episodes of racial intolerance, including attacks against individuals of African and Roma origin, which, at times, according to the Committee, the authorities failed to identify as racial incidents or to prosecute. Moreover the Committee regretted the lack of information on the application of article 6 of the Convention, regarding the protection before tribunals against acts of racial discrimination. Its main concerns, however, were in regard to the status of the Roma in Italy. Finally, the apparent lack of adequate training of law enforcement authorities and of the public officials concerned with regard to the provisions of the Convention was emphasized.

2. The concluding observations of the Committee have been communicated to all the administrations concerned and have also been widely disseminated. On the basis of those observations, the Italian Government has initiated a re-examination of all the issues deserving greater consideration, from both a normative and an implementation point of view. Among the measures that have been adopted, those worthy of major attention relate to anti-racist propaganda, particularly during football matches; a more civil-liberties oriented and articulated approach with regard to clandestine immigration and to the related procedures of regularization or expulsion; the creation of infrastructure and services with the aim of facilitating overall integration: from the scholastic domain to that concerning access to employment and housing. A wide spectrum of information on the contents of Law 6 of March 1998, had already been provided when the previous report was discussed by the Committee. The above-mentioned law has the aim of regulating in comprehensive and systematic fashion the phenomenon of the high number of foreign citizens present on Italian territory. The law represents a fundamental cornerstone in the evolution of the Italian juridical system concerning the treatment of foreigners. Thus, the present report contains wide-ranging references to provisions of the law that, in the meantime, have become fully applicable by means of the Regulation on implementation. It is important to underline that the long awaited law on the minorities present in Italy has been definitely approved and has entered into force. On the basis of the observations that the Committee on the Elimination of Racial Discrimination has formulated on the previous report submitted by Italy, the present report has been elaborated so as to provide more detailed information, not only about the normative provisions in force but also about the procedures that have developed through the implementation of those provisions. Moreover, the report devotes an important section to the situation of the Roma population in Italy, so as to provide an almost complete picture of the problematic issues created by its presence, both as to its relationship with the Italian population and the necessary conditions relating to its needs and culture. In

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* For the tenth and eleventh periodic reports of Italy, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/317/Add.1 and CERD/C/SR.1315-1316.

November 1999, the Department for Social Affairs of the Council of Ministers' Presidency (*Dipartimento per gli Affari Sociali della Presidenza del Consiglio dei Ministri*) published a first report on the integration of immigrants in Italy. This report depicts systematically, at a scientific level as well, the activities already in place and those that should be promoted in order to ameliorate the conditions of foreigners residing in Italy.

3. Following the observations and suggestions of the Committee, new courses of professional training for all law enforcement authorities have been promoted, particularly for the police, the carabinieri, and for those operating within the penitentiary system, intensifying and deepening of the study of the international human rights principles and the various Conventions. As for the number and type of incidents between law enforcement authorities and Italian and foreign citizens, both the police and the carabinieri have, upon request by the Interministerial Committee of Human Rights, drawn up a paper reporting, in a systematic fashion, all episodes of alleged mistreatment. In particular, the paper presented by the carabinieri reveals that 80 per cent of the reported incidents involve Italian citizens and that a mere 20 per cent concern foreign citizens. This informal indication allows a first conclusion to be drawn, albeit in an approximate way, that would exclude a pre-determined attitude dictated by racial motives.

4. Apart from the short period of time available, it would probably be pointless to present an English version either of the report on the integration of immigrants in Italy or of the detailed analysis of the complaints presented against the carabinieri in the period 1994-1999. Nonetheless, a copy, in Italian, may be provided, upon request of the Committee, for an examination of the collected data. Moreover, within the text of the report there are enshrined data and information evinced by the above-mentioned documents. The present report, like the previous ones, has been drawn up within the context of the institutional activities of the Interministerial Committee of Human Rights, at the Ministry of Foreign Affairs. This has allowed a constant and continuous collaboration with, and contribution by, the various administrations concerned. There has also been, each time, consultation with various NGOs and the members of the Committee who are also academics.

1. The presence of foreigners in Italy

1.1. Between processes of integration and emergency

5. Foreign immigration in Italy represents an important dimension of the social changes of the last decade. If, from a strictly demographic point of view, the effects of this phenomenon are still limited (as a matter of fact foreigners represent 2 per cent of the Italian population), its social impact, on the contrary, is high, both at the level of the receiving society and at the level of the foreign populace. The growth rate of the larger groups that have reached Italy has increased in the last few years and, albeit in different phases of the migratory process, their presence is one that indicates clear signs of stabilization. A new element in the last decade is the progressive feminization of immigration: the percentage of women went from 40 per cent in 1991 to 46.8 per cent at the end of 1998.

6. Besides autonomous migratory projects linked to the search for a job, family reunions and the presence of minors are on the increase. There is a trend towards a normalization of the demographic structure; mixed marriages and births to foreign parents are evidence of a family

structure other than that of singles, the latter still representing the dominant family structure within the foreign population. Different migratory processes characterize the various ethnic groups present in the country also from a gender perspective: on the one hand the Moroccan community is composed, in the main, by men who are later joined by their wives, on the other, in the Filipino or the Peruvian community, it is the women who arrive first for job-related reasons and who trigger the migratory chain.

7. There is the need not to focus on the "surface" of the written motivation on the residence permit. For many migrant women who have come to Italy to be reunited with their families, this is only the beginning of a process of joining the job market, linked in part to the need to contribute to the family income - especially when they have children - and in part the result of progressive emancipation due to positive contact with the culture of the receiving country. However, immigration for family reunion reasons is, in part, planned as such, due to the increasing difficulties in obtaining residence permits for job-related reasons these women are confronted with. Simultaneously, the impact on Italian society is more and more visible. The employment of migrant workers is becoming important and is assuming a structural character. School attendance by foreign children, though not high yet, is widespread, so much so that one school out of three, within the cycle of compulsory education, has foreign pupils.

8. Nonetheless, together with the aspects concerning the stabilization of foreigners, there continue to remain the emergencies related to a still quite wide area of irregularity. The increase of foreigners who have been denounced in the last few years (in more than 86 per cent of the cases lacking a residence permit), the high number of applications for regularization and the conspicuous quota of irregular jobs all indicate the scope of the problems the country is faced with. Therefore, more careful management of the foreign presence in Italy cannot be delayed, not only with regard to the control of inflow but also in terms of increased attention to policies that would promote the integration of immigrants, in order to prevent tensions and conflicts in a society which is now multi-ethnic.

(a) The ethnic composition of regular immigration

9. Italy is characterized by a model of "diffused immigration", with a highly fragmentary foreign presence coming from all over the world. This characteristic is one which can also be found in other European countries of new immigration, such as Spain and Greece. The Italian model is profoundly different from that in countries of historic immigration, where, as a result inter alia of more selective policies, there is a higher ethnic concentration of the immigrant population.

10. The estimate of the number of foreigners residing regularly in our country, as of 1 January 1999, is 1,126,000, or 2 per cent of the total population. The increase of 13.6 per cent recorded during 1998 is higher than that recorded the previous year. Of the new residence permits granted during 1998, 60.8 per cent to (67,473) of them were granted to women, and only 39.2 per cent (43,493) to men.

11. A not irrelevant quota of the foreign population is composed of citizens of the most developed countries who, during the course of the 1990s, have approximately reached the number of 200,000; however; the most important variations have been found with regard to the

presence of foreigners coming from areas with a high rate of emigration (Eastern-Central Europe, Africa, Central and Latin America, and Asia, except for Japan and Israel).

12. The growth in the number of citizens from Eastern Europe is the effect of, on the one hand, inflows from the countries of the former Yugoslavia and, on the other, of the regularization in 1995-1996, of the presence of Albanian immigrants with irregular status and, albeit in smaller numbers, of Romanians and Poles with similar status. Those coming from Eastern European countries represent, today, nearly a quarter of the total number of foreigners; of these, 46.7 per cent are women. But the percentages change if we consider former Soviet countries such as Estonia, Belarus, Kyrgyzstan and Latvia as well as Hungary, all countries for which the female proportion of immigrants is over 70 per cent.

13. Notwithstanding a lower growth in immigration from north African countries, Moroccans, totalling approximately 122,000, remain at the top of the list, followed by foreigners from the former Yugoslavia and from Albania.

14. Other areas whose emigrants have reached considerable levels, albeit with different evolutions throughout the 1990s, are Eastern Asia (Philippines and China), Central and Southern Asia (Sri Lanka and India) and Central and Latin America (Brazil and Peru).

15. Immigrants coming from countries belonging to the above-mentioned geographic areas have, over the years, established a presence in the country: as of 1 January 1992 they represented less than half of the foreign population (49.7 per cent), whereas on 1 January 1998, they accounted for 57.7 per cent. Thus, what is happening is a slow concentration of the foreign population in relation to their country of origin: the larger groups, even if at a differing pace, consolidate themselves and, in turn, the geographic areas and the main countries whose emigrants have chosen Italy as a destination begin to be more clearly defined.

16. Besides in some immigrant communities already referred to as being marked by a female predominance, such as the Filipino or the Peruvian ones, the role of women in the consolidation process appears to be evident, in those communities characterized by a large number of family reunions, with wives coming to join their husbands in Italy. In general, this has a positive impact on the social integration of immigrants.

(b) Inflows and seniority of immigration

17. In the first half of the 1990s, the inflows were, in the main, stable, with more than 100,000 foreigners entering officially per year; in the last two years, conversely, an increase in arrivals has been registered, with more than 124,000 new permits granted in 1997 and 153,000 granted in 1998. On one hand, the increase in regular flows is evidence of a strong migratory pressure towards our country, on the other, it also must be interpreted with a view to a progressive structuring and regularization of the phenomena which are leading to an ever-growing number of entries through official channels. The entry flows, evaluated on the basis of the new permits granted last year, are considerably influenced by the regularization provisions that have uncovered irregular immigrants who arrived in the country in previous years (as evidenced by the high increase registered on 1 January 1997 - 257,000 individuals more than the previous year - as a result of the regularization granted by the "Dini" Decree).

18. The composition by citizenship of the flows registered in 1998 reveals the intensity of specific migratory waves: the arrivals from Central and Eastern Europe represent nearly 40 per cent of the total, whereas the other areas with high rates of emigration have lower values, generally not higher than 10 per cent, with Central and Latin America registering a slightly higher number of arrivals than North Africa.

19. If a comparison is made between the new arrivals and the foreigners already present in the country, it is possible to estimate the rate of increase of the groups and, in a certain way, the vigour of the single migratory inflows: again, Eastern Europe is at the forefront (near to 27 arrivals for every 100 already present), however, also Central and Latin America present high values (19 to 100), particularly Cuba and Brazil; conversely, the entry flows for Asiatic and African groups appear to be decreasing.

20. Finally, it must be underlined that there are significant entry rates for job-related reasons for citizens from Eastern Europe and from Asia, whereas African citizens enter predominantly for family reunion reasons; in particular, 86.8 per cent of new residence permits granted in 1998 to Moroccan citizens were for this motive, as well as 74 per cent of those granted to Albanians; the entry rates for tourism, particularly high for Latin America and Central and Eastern Europe, assume a specific significance in that they could cover arrivals of individuals who, upon expiry of the permit, remain in the country with an irregular status.

21. The different evolution in the entry flows of the various groups of foreigners is reflected in the length of their stay on Italian territory. According to the date of entry displayed on the residence permit, it is possible to identify various types of immigrants. The "older" immigrants are Africans, approximately two-thirds of whom have been present in our country for more than five years and 18 per cent of whom have been present for more than a decade. These are followed by the Asian community, 54 per cent of whom have been present for at least five years and a high quota having been in the country for longer than a decade; this is due to the former immigration of Filipinos, a quarter of whom have been residing in the country for more than 10 years. Those coming from the Indian sub-continent represent an exception, in that they arrived in more recent times. The immigration from Central and Latin America mainly dates from a later period (only 42 per cent of these immigrants have been residing in the country for five years or more). This is particularly true for individuals coming from Peru and the Dominican Republic. At the bottom of the scale, are the immigrants from Eastern Europe, a mere 31 per cent of whom have been present in Italy for at least five years, and a great majority of whom have taken advantage of the regularization provided for by Law Decree No. 489/1995 (for example, permits issued to Albanian citizens increased in 1996 from 30,000 to approximately 66,000). Nonetheless, it should be underlined that a small proportion of immigrants from the former Yugoslavia, about 10 per cent, have been present in Italy for more than 10 years.

22. Women constitute 41.9 per cent of immigrants who have been present on the Italian territory for more than 10 years, but this percentage shrinks if we consider Muslim countries: they are hardly 3 per cent of Senegalese, 5 per cent of Algerians and Bengalis, 11 per cent of immigrants from Ghana and 12 per cent of Albanians, Tunisians and Moroccans. The

percentage is raised by countries such as the Dominican Republic, Brazil and the Philippines: women represent respectively 82, 73 and 67 per cent of immigrants from these countries who have been present in Italy for more than five years.

23. As of 1 January 1998, among the immigrants coming from countries with a high rate of emigration, those that have been present in the country for more than a quinquennium are just over half of the total immigrant population (i.e. 417,000-209,000 of whom are Africans). This quite conspicuous segment will be able, for those capable of satisfying the requirements established by law (i.e. sufficient income and the absence of serious offences), to obtain a residence permit, be it temporary or undetermined in nature. Also, the possibility of acquiring Italian citizenship by naturalization depends upon immigration "seniority". In this case the minimum length of stay, related to anagraphic residence, is 10 years for non-European Union citizens.

24. Immigrants from countries with high emigration rates who arrived in Italy more than a decade ago number about 122,000, as of 1 January 1998, of whom 57,000 are African citizens.

(c) The socio-demographic evolution of the foreign population

25. A clear sign that relative stability has been reached among immigrant groups is evidenced by the progressive normalization of their structure as concerns gender, civil status and age, which was initially characterized by high numbers of young, single males.

26. The gradual increase in the female component of immigrant groups is to be attributed, mainly, to family reunions, it having predominantly been the male members of the family unit who first emigrated to Italy. In 1992 the female component was 39.9 per cent, a figure that has increased six years later to 44.8 per cent. This increase has been higher for countries with a high rate of emigration: the female percentage of immigrants from such countries has increased from 32.9 per cent to 40.8 per cent. The aforementioned phenomenon has been of particular relevance for women coming from countries with a high rate of emigration: in 1998, 36 per cent of them held a permit for family-related reasons (in 1992, 21.5 per cent). These latter figures are considerably lower for males coming from the same geographic areas (6.6 per cent, in 1998).

27. Simultaneously, there has been an increase in the percentage of married couples who, as on 1 January 1998 , represent around half of the foreigners present on the territory, with a higher percentage of women who, often, arrive in Italy with a permit for family-related reasons because of their status as spouses. Moreover, the structure is normalizing also from the point of view of the average age, both because of a gradual percentage increase in the clusters with a relatively older age and because of the progressive increase in the presence of foreign minors. The slower rate of ageing of the age structure for women from countries with a high rate of emigration is linked to the entry of young women for family reunion reasons.

(d) Migratory patterns by gender

28. The migratory models characterizing the various communities appear to be differentiated according to gender characteristics. The typical pattern of a male emigration followed by family reunion holds true, in the main, for those coming from African countries. For the said

communities, which were initially characterized by a high presence of males, there has been a not inconsiderable increase in the female component, which has risen, in the past two years, from 18.9 to 27 per cent. In particular, this increase has concerned communities from northern areas (except for the Senegalese community, which still presents an unbalanced ratio between the genders in favour of the male component - 94.3 per cent). This typical model seems to be reiterated, albeit at an accelerated rate, for the various communities coming from Eastern Europe and, notably, for the Albanian community.

29. Nevertheless, it must be underlined that the number of foreign women possessing a residence permit for job-related reasons is higher (51.8 per cent for those coming from countries with a high emigration rate) than the number of women entering our country for family reunion reasons. Moreover, there exist communities in which, conversely, it is the female component, more often than not, that is the first link of the migratory chain (this is the case, for example, of Filipino and Peruvian women who, in more than 80 per cent of cases, enter our country with a job-related permit). However, unlike in the case of the Peruvian community, which has a higher number of family reunions the low level of family reunions among the Filipino community seems to indicate that the long-term aim of this ethnic group of immigrant women is, more often than not, that of returning to their country of origin.

30. Furthermore, it is interesting to underline the importance, for certain groups, of a specific presence that is tied to reasons of faith and worship and is represented, in the majority of cases, by ministers of religion and devotees. In 1998, there were more than 53,000 foreigners with a permit for religious-related reasons, 32,000 of them coming from countries with a high rate of emigration. For women from these countries, 6 per cent of the permits are granted for religious reasons, a conspicuous percentage of them (51 per cent) to Indian women.

1.2 Foreigners on the territory

(a) Geographic distribution and dynamics

31. The territorial distribution of immigrants is characterized by a high concentration in the centre and north-west of Italy. These areas host 63 per cent of the foreigners holding a residence permit and registered with the registry office. The north-eastern part of the country has proved to be more attractive: between 1993 and 1999 the number of foreigners residing there have more than doubled. In 1998, it is especially the regions of Lombardy (with more than 218,000) and Latium (with more than 181,000) that host the major communities of immigrants, followed by the regions of Veneto and Emiglia-Romagna, both with 81,000 foreigners registered with the registry office.

32. The different growth rate of foreign communities in the various regions is due to the varying intensity of flows from abroad, to the greater numbers of foreigners already residing in the northern regions (where there has been a significant increase in the migratory ratio) and - although this is less relevant - the higher birth rate amongst immigrant communities residing in the northern part of the country. The stability of the foreign presence in the northern regions is confirmed by a higher presence of minors, particularly in the north-east. Moreover, it is to be noted that in the Islands minors represent 15.4 per cent of foreigners, a higher percentage than in the south and in the centre of the country.

33. With regard to urban areas, Rome and Milan have the largest immigrant groups, both in absolute and in relative terms. At the beginning of 1998, 280,000 foreigners, nearly 28 per cent of the national total, lived in two provinces, where they accounted for 4.2 and 3.2 per cent respectively of all residents. However, it should not be inferred that the presence of immigrants is a phenomenon exclusive to the larger cities. On the contrary, particularly in the northern regions of the country, there has been in the past few years a significant increase of foreigners in non-urban areas. "Minor" towns have registered the higher increases in the period under consideration (Treviso 156 per cent, Brescia 128 per cent, Vicenza 120 per cent), so much so that the number of their foreign residents is notable also in absolute terms (e.g. Brescia, with its 28,000 foreign residents, is in fourth place on the list).

34. Between 1993 and 1998, the percentage of the foreign residents in municipalities with less than 20,000 inhabitants increased from 32.8 to 35.4 per cent; for municipalities with a total population numbering between 20,000 and 100,000, the increase has been less extensive (from 20.9 to 21.9 per cent), whereas there has been a noticeable decrease (from 46.3 to 42.7 per cent) in municipalities with more than 100,000 residents. Moreover, this particular evolution in the territorial settlement of foreign citizens has taken place in an overall homogeneous fashion in the whole of the country, with a peak in the north-eastern part of the country, where nearly 50 per cent of foreigners reside in municipalities with less than 20,000 inhabitants.

(b) The geo-ethnic distribution of resident foreigners

35. The trends now operating in the territorial distribution of foreigners are the final result of many and diverse patterns followed by the foreign groups residing in Italy. A decisive role has been played by factors of attraction or deterrence vis-à-vis areas of the country - factors relating, in the main, to opportunities for employment, or lack thereof, for immigrants - and by certain ethnic peculiarities, such as the intensity with which family ties are felt, the group's internal cohesion, the type of specialization in occupation, but also such factors as the type of "migratory project", particularly with regard to length of stay and thus the intention of becoming established in the receiving society. The differences between migratory patterns can be understood immediately by analysing the six larger groups of foreigners from countries outside the European Union residing in Italy.

36. The Moroccan and Albanian communities are characterized by a high degree of dispersion throughout the territory. (This model of settlement can be described as one of dispersion, whereby, starting from specific points of arrival in Italy - generally located in the main towns of the north-west, Turin and Milan, for Moroccans, and the region of Puglia, for the Albanians - there has then been progressive dispersion involving many other areas of the country.)

37. Citizens of the former Yugoslavia and Tunisians present, in relative terms, a more constrained dispersion throughout the territory and are numerically concentrated in the areas that are, geographically speaking, closer to the countries of origin: thus, the north-east for citizens of the former Yugoslavia, and Sicily for Tunisians.

38. Finally, a third typology of settlement is that of the Filipino community and the Chinese community. These groups are characterized by a high territorial concentration, particularly for the former group, with larger clusters crowded in the provinces of Rome and Milan. Sixty-two per cent of the Filipino community are concentrated in these two provinces as a consequence of the marked occupational specialization of this community, for the majority employed for housework and household related jobs. A further reason is to be traced to the clear presence of a well-organized and well-structured migratory chain. The Chinese community presents further differences. This group too has established itself mainly in the larger towns - a phenomenon imputable to the activity of this group in the food industry - however, there is one relevant exception: that of the area around Florence and Prato, where the Chinese community plays a significant role in the textile industry.

(c) Composition and structure of foreign families

39. Besides the high growth of family reunions, it is of increasing relevance to analyse the marriage rate and fertility of foreigners in order to deepen knowledge of the typologies of inclusion of the immigrant communities in our country, identifying both the processes of integration in Italian society - of which events involving an Italian and a foreigner are an effective indicator - and the degree of stabilization of the foreign presence, assessable indirectly through the observation of circumstances involving two citizens, both of them foreigners.

40. Regarding mixed marriages, this phenomenon continues predominantly to concern Italian men and foreign women. In fact, the number of Italian women who marry a foreigner is less than half the number of men who do so. Preferences of the Italians are oriented in compliance with certain established patterns, men mainly choosing women from Thailand, the Philippines or coming from Eastern Europe, women preferring African men, in particular from Senegal.

(d) Marriages and births

41. Marriages in which at least one spouse is a foreigner are increasing and represented, in 1995, 4.3 per cent of all marriages officiated in Italy. The major proportion of such marriages, are marriages between Italians and foreigners, amounting in 1995 to 86.5 per cent of marriages in which at least one spouse is a foreigner. Of particular relevance are marriages between Italians and citizens of countries with a high rate of emigration, which show a growing trend and are the most numerous, representing about the three quarters of mixed marriages. More often than not, it is Italian men who choose foreign partners, marrying especially women coming from Eastern Europe and Central and Latin America.

42. The characteristics of the Italian spouse vary in accordance with the place of origin of the foreign wife. If marriage is contracted with a woman coming from a country with a high rate of emigration, the education level of the husband will be lower and his age will be around 48, on average, almost 10 years more than the wife. In the case of marriage with a woman from a developed country, the husband will have a high level of education and his age will be around 34.

43. In couples composed of an Italian woman and a foreign man, the partner comes predominantly from North Africa and Central and Eastern Europe, he is single in 94 per cent of

cases, he has a higher education than his wife and is 29 years old, on average, about the same age as his wife, if it is the first marriage for both. Almost two thirds of marriages between foreigners are contracted among nationals of developed countries, in the main non-resident, who contract marriage in Italy often because one of the spouses is on duty at one of the NATO bases. For foreigners coming from countries with a high rate of emigration, the frequency of marriage is still very low; moreover, 77 per cent of such marriages are contracted among nationals of the same country.

44. Births to parents of whom at least one is a foreigner, representing 4 per cent of all births are tending to increase at a sustainable rate but, in this case, the parents are generally of the same nationality (85.5 per cent). This is the case for 90 per cent of couples composed of nationals of countries with a high rate of emigration. The highest birth rate is to be found among couples from North Africa (24 per cent), from Central and Eastern Europe (21.6 per cent) and East Asia (13.7 per cent). Among North Africans, the Moroccans are predominant, among Eastern Europeans, nationals of the former Yugoslavia, and among Asians, Filipinos.

45. Children born of mixed marriages mainly have a foreign mother and an Italian father. In this case, the proportion of those born to EU citizens remains quite high (30 per cent), but the number of children born to Eastern European women is increasing very quickly (+63 per cent between 1992 and 1995) and, together with children born to Latin American women, they account for more than half of the births in mixed marriages. The number of children born to a foreign father and an Italian mother is lower: many children have as a father an EU citizen (24 per cent) or a North African national (32 per cent), in particular from Tunisia or Morocco.

46. The percentage of births out of wedlock to a foreign mother who is a national of a country with a high rate of emigration and an Italian father, usually a widower or divorced and considerably older than the foreign woman, is particularly high (28.6 per cent). The highest percentage is reached when the mother is from an African country (35.7 per cent in 1995), while the phenomenon is relatively less frequent for children born to Italian mothers and foreign fathers (24.6 per cent of births out of wedlock) and least frequent when both parents are non-nationals (17.9 per cent). In the latter case, lower proportions of births out of wedlock (7.4 per cent) are registered among African women (in particular those from North Africa), whose partners are mostly from the same geographical area. From 1993 to 1997, the birth rate of migrants increased, especially in cases where both parents being foreign and, in particular, of resident couples, inter alia, recorded at the Registry Office. The overall birth rate of the foreign population, because of a younger age structure, is fairly elevated as compared with that of the resident population as a whole. Specifically, the birth rate of foreigners discloses double values in the north-east, but lower numbers in the south.

(e) Foreign families in large municipalities

47. On February 1999, ISTAT undertook a survey on the families of foreigners recorded at the registry offices of big municipalities and of other chief towns. Families with at least one non-national member, resident in these municipalities, number around 200,000, intensively concentrated in the big centres: more than half reside in Rome or Milan, but, big communities are to be found also in Turin, Palermo, Naples and Genoa.

48. Among all families with at least one non-national, the quota of those composed just of foreigners is everywhere in the majority, overwhelming (80 per cent of the total) in more than half of the municipalities, including Rome, Milan, Turin and Palermo. In smaller cities, such as Trento or Campobasso, the percentage rate is slightly more measured, but nonetheless high.

49. Families with all foreign members are particularly numerous among Eastern Europeans, Africans, Asiatic and Latin Americans, while mixed families are mostly to be found among groups whose culture is closer to our culture, such as EU-nationals and North Americans. Anyway, it has to be taken into account that it is not possible to identify mixed couples in cases where the foreign spouse has acquired Italian citizenship after marriage; this is quite frequently the case for partners from countries with a high rate of emigration.

50. The highest number of foreign families are to be found among the Filipino (19,210) and Moroccan (12,202) communities, which are the most numerous in the big cities (Rome, Milan, and Turin).

51. The main particularity of the family structures of non-nationals is the strong incidence of single persons (70.3 per cent) which outnumbers substantially that of the entire population residing in Italy (33 per cent in the centres of the major conurbation areas). Foreigners who live on their own are mainly men (61 per cent).

52. Of particular interest is the typological structure of foreign families distributed for clusters of nationality: the highest quota of single persons can be found in the communities residing in Italy for job-related reasons. For women, the highest incidence is among EU citizens and nationals of Central and Eastern European, Asian and Central and Latin American countries; the female element is predominant among all single persons from Central and Latin America. Women belonging to the North African community are little represented, unlike their male counterparts, while the number of single women from other African countries is quite high. In general, foreign single women come, more often than men do, from developed countries (26.7 per cent of the total against 17.9 per cent), in particular due to a more widespread presence of EU-citizen women.

53. The distribution according to marital status shows a majority of singles among the foreigners who live in Italy on their own (64.9 per cent of the total), with a slightly higher quota among women. The percentage of married persons differs considerably between the two sexes, in favour of men (32.4 per cent against 24.4 per cent). The presence of married foreigners who enter the country without their spouse is a phenomenon that has to be taken into consideration because it can represent a premise for the arrival of family units, formed before the migration and temporarily remaining in the country of origin. Whereas, in other cases, the presence of married foreigners arriving alone can be an indicator of a migration project foreseeing, after a period of residence abroad, the return of the foreigner to his/her country of origin.

54. The distribution according to age indicates a prevalence of young groups: 43.8 per cent of men and 42.0 per cent of women are less than 35 years old, in conformity with the structure by marital status of foreign singles. The youngest ethnic groups are from Eastern Europe and Africa, while important percentages of non-nationals of an older age can be found among citizens of Western European countries, especially external to the EU, and from North America.

2. Racial intolerance-related problems in Italy

2.1 The application of the legislation in the field of racial discrimination

55. When considering the particular issue of the commission of discriminatory acts based on racial grounds, the data collected since 1993, disaggregated by year and by Court of Appeal district, relating to the final judgement of conviction for the crime referred to in article 3 of the Law of 13 October 1993, No. 654 and for other offences aggravated by the element of discrimination appear to be particularly useful.

56. Moreover, it is to be stressed that a project integrating the system of annotation in the registers of the judicial authority and of the judicial register is at an advanced stage of implementation. It will grant the possibility of having not only the record of the whole proceedings starting from the registration in the special register, but also a comprehensive framework from which it will be possible to deduce the ratio between the denunciations to the judicial authorities for these types of violations and the number of registrations in the special registers; the ratio between the opened proceedings and the number of convictions; the typology of sanctions imposed (with particular attention to the accessory sanctions provided for by Law Decree 26 April 1993, No. 122).

57. The action of the Italian judicial authorities regarding discriminatory acts committed against foreigners present in our country on an individual basis or belonging to a minority group has been developed on the basis of data relating to the number of denunciations involving this category of persons. Related to this, the less recent set of rules, more precisely Law 205/1993, had already promoted strengthening the protection of migrants in relation to instances of discriminatory behaviour, focusing both on the causes of the discriminatory behaviour and on the evaluation of the non-national as the "victim of the offence".

58. Reference has been made to this Law during the analysis of the criminality-related problems associated with the presence of foreign migrants in Bologna: it is very useful to indicate some particularly significant jurisprudential instances to understand the reality in which the migrant assumes the role of individual offended by the crime. There are four clusters in which the foreigner is considered the "injured party": as a victim of unstable and irregular working conditions as a result of the violation of the set of rules on the prevention of industrial accidents (decisions of the Magistrate's Court of Bologna No. 58/99, No. 427/99, No. 507/99); as a victim of violence, rackets and threats by other persons of the same nationality and/or Italians (decision of the Magistrate's Court of Bologna No. 408/99, 405/99, 11/99, 1984/98); and as a victim of the exploitation of prostitution and of violence (decisions of the Magistrate's Court of Bologna No. 725/98, 604/98, 55/98); and as a victim of racist violence (decision of the Court of Assizes of Bologna No. 6/93, 7/95, 3/96, 2/98).

2.2 Foreigners and criminality

59. Between 1991 and 1997, the percentage rate of foreigners accused of crimes increased from 4.2 to 9.8 per cent. This increase is also found for the same period, in the number of the

convicted with a final sentence recorded in the central judicial register and even more in the number of foreigners present in the prison system, where they represent 31.6 per cent of those entered from the free status.

60. The high presence of foreigners in prisons is linked to the specific typology of the crimes committed, which most frequently are crimes giving rise to detentive intervention; it is related, in particular, to the greater use of preventive detention in their case and to the smaller possibility they have of availing themselves of alternative and substitutive measures to detention because of the lack of the necessary requisites to obtain them (the ownership of a house, a job, family and parental ties). The higher rate of preventive incarceration with regard to foreigners occurs due to the higher risk of their escaping.

61. The relationship between the greater presence in the country of non-nationals and the increase of foreigners accused of crimes, even though an important element for the interpretation of the phenomenon, loses its meaning because of the component, not measurable but important, of illegal immigrants. Research on foreigners accused and investigated by the police in 1998, shows that 86.5 per cent of them have no residence permit.

62. Among those investigated holding a regular residence permit, 55.7 per cent are African, 32.6 per cent European, 7.7 per cent Asiatic and 3.8 per cent Latin-American; on the other hand, of the illegal immigrants accused of crimes, the majority of them are from Albania and the territories of former Yugoslavia (46.8 per cent), followed by the Africans (43.5 per cent). The rate of criminality attributed to legal or illegal immigrants is higher in the islands, but this figure is manifestly linked to their conspicuous presence in those regions. Whereas, in central Italy and in the north-east, crimes are committed, for the most part, by illegal immigrants of European origin (respectively, in 53.6 and 50.5 per cent of cases).

63. During the period under consideration (1991-1997), there has been an increase equal to 161 per cent in the number of foreigners accused of crimes, from 21,307 to 55,502 (the comparison between the first semester of 1997 and of 1998, for which data are available at the moment, shows a slight decrease). The growth is very differentiated at the territorial level: the maximum growth is in north-eastern (290 per cent) and southern Italy (206 per cent), where the most considerable increase has been recorded in the past year (53 per cent), and the minimum is in north-western Italy (99 per cent) and the Islands (83 per cent). Data related to the increase do not present an adequate picture of the real propagation of the phenomenon because the initial situations of 1991 were very different in their distribution: 77.3 per cent of the total visible foreign criminality was concentrated in north-western and central Italy (respectively 45.3 and 31.3 per cent against 13.9 per cent in the north-east, 5.8 per cent in the south and 3.2 per cent in the islands. As years go, the geographical distribution of immigrants accused of crimes on the Italian territory has changed even if the proportion in the north-west and the centre remains predominant.

64. Its prevalent urban dimension represents the other aspect that can contribute to explain this phenomenon: 73.6 per cent of the denounced offences attributable to the non-autochthonal population were committed in a chief town, against 43 per cent of those attributable to Italians.

This trend is accentuated in the centre (81.8 per cent) and in the north, while it diminishes in chief towns in the south, where the offences committed by foreigners are distributed over the entire territory.

65. The different distribution of crimes perpetrated by migrants has a twofold motivation linked to the typology of the offence: the first concerns the higher frequency of some crimes in the urban areas; the second one regards the "specialization" of the foreigners accused of some kinds of offences. On the one hand, the most common offences in the chief towns are drug-linked crimes, aiding and abetting and exploitation of prostitution, violence and robberies, resistance to and outrage against public officials. On the other hand, foreigners commit mostly these kinds of offences, in particular crimes resulting in economic revenue: 46.2 per cent of the crimes denounced are linked to prostitution, 26.8 per cent connected to drug traffic and pushing, 26 per cent to theft and 19.5 per cent to robberies.

66. The phenomenon presents a sharp territorial variation. It appears to be alarming in the north and the centre, with high peaks for crimes related to prostitution in the north-east (66.8 per cent of these crimes are attributed to foreigners), robberies and thefts in the centre (respectively 31.5 and 36.0 per cent) and drug-related crimes in the north-west (42.1 per cent).

67. An element of further knowledge of foreign criminality, useful for the action of the judicial authority, is to be drawn from data relating to proceedings initiated in 1997 according to the nationalities involved. A clear separation between Italian and foreign criminality becomes apparent from the fact that just 0.5 per cent of the proceedings identify as accused persons Italian and foreigners together, and only 0.3 per cent foreigners of different nationality. The predominant model, then, is, in general, that of separation among different nationalities: indeed, 91.9 per cent of foreigners had committed the crime alone or together with other persons of the same nationality; 5.4 per cent in complicity with Italians; 2.7 per cent together with migrants of different nationalities.

3. Racial discrimination and labour

3.1 The new provisions of Law No. 40 of 6 March 1998

68. Title III of Law No. 40 of 6 March 1998 concerns, in particular, the domain of labour. In the light of the interest shown for the normative innovations enshrined in the above-mentioned law, aiming at securing an enlarged protection of the conditions of foreigners in Italy, there follows an illustrative description of the main dispositions of said law concerning the field of labour.

69. Article 21 of title III of Law 1998/40 envisages that entry into Italy for job-related reasons - be the job in question for an employer, seasonal or autonomous in nature - must take place within the context of the entry quotas established by the annual decrees determining the flows. The said decrees, through which preferential quotas may be granted for extra-European States with which agreements have been established concerning the regulation of entry flows and readmission procedures, must, in any event, take into account indications forwarded by the Ministry of Labour with regard to the issues of employment possibilities, unemployment rates and the number of non-EU individuals registered in the employment lists.

70. The understandings and the bilateral agreements reached with countries of emigration can provide for the creation, at Italian consular and diplomatic establishments abroad, of waiting lists for the granting of entry permits for employment reasons. The implementation regulation will have to provide for the constitution, within the Ministry of Labour, of an annual database concerning offers and demands for the employment of foreigners.

71. It is to be noted, as underlined in article 22, paragraph 3, that in Italy, in implementation of the normative provisions enshrined in ILO Convention No.143/75 (ratified in 1981 by Law No. 158), foreign employees regularly resident on the territory, and their families, are guaranteed equality in treatment and full equality of rights with Italian employees. Specifically, article 22, item 3, provides that "the conditions offered by the employer to the foreigner, cannot be lower than those established by the national collective contracts of labour applicable".

72. Generally speaking, an employer who intends to establish a labour relationship in Italy with a non-resident foreigner must, according to article 22, present to the competent territorial Provincial Labour Unit an explicit, nominative request for employment authorization. In the case of dismissal, the foreign worker holding a valid residence permit can be registered in the employment lists for the remaining period of validity of the above-mentioned permit. If repatriated, the worker maintains the social security and insurance rights collected until that moment. Workers who have ceased their working activity in Italy and leave the national territory are allowed to demand the dues payable until that moment.

73. A worker regularly living on the national territory must have his/her right to maintain or re-establish his/her family ties protected (arts. 28 and 29). However, the effective exercise of the right to family reunion is conditional both on housing and income. Indeed, income must not be inferior to the amount of the annual social allowance.

74. With regard to civil rights, article 34 affirms the equality of treatment and the full equality of rights and duties of foreign citizens with Italian citizens with regard to contributive obligations, the assistance provided in Italy by the National Health Service and its temporal validity. National Health Service assistance is also granted free of charge to family dependants who are regular residents and to minors, children of foreign nationals, on equal terms with Italians with similar economic needs. Equality of treatment is also recognized for the juridical protection of legitimate rights and interests in relations with the public administration (assured by means of appeal to the Regional Administrative Tribunal) and in relation to access to public services in conformity with article 22, paragraph 5.

75. With regard to discrimination, which according to article 43 consists of distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin or descent, religious practices or conviction, paragraph 2 (e) highlights the discriminatory behaviour of employers or their employees "who according to article 15 of the 20/04/1970 Law No. 300, as modified and integrated with the 11/12/1997 law No. 903 and of the 11/04/1990 law No. 108, undertake, directly or indirectly, any discriminatory action or behaviour producing prejudicial discriminatory outcomes for workers in the light of their belonging to a race, ethnic or linguistic group, religious confession, or their citizenship. Each prejudicial treatment deriving from the adoption of criteria which disadvantage in proportionally higher fashion workers belonging to a

particular race, ethnic or linguistic group, religious confession or citizenship, and which concerns non-essential requirements to the undertaking of a working activity, constitutes indirect discrimination".

76. The provisions concerning entry, residency and expulsion must be adequately motivated, the person concerned informed in a language he or she can understand and given indication of the means to challenge a ruling available to him/her (art. 13, para. 7). Administrative expulsion is mandated for reasons of public order and state security. Article 11, paragraph 5, provides for the establishment of reception centres at national border crossings to provide assistance and information to foreigners who wish to seek asylum or enter Italy for a period of more than three months. The regions and local administrations are granted an active role in undertaking initiatives geared towards integration and inclusion in the social fabric (arts. 3 and 40). Article 40 also provides for the hosting in reception centres of foreigners who are regular residents and cannot autonomously meet their housing and basic needs. The above-mentioned centres offer socio-sanitary assistance and socio-cultural services so as to foster autonomy. Parity of treatment for foreign workers with Italian citizens is also provided for with regard to the right of access to public housing

77. Finally, the State will promote, according to article 42, any possible form of collaboration with local administrations and with associations and other qualified entities which operate in the field of relief and assistance to immigrants. This collaboration aims at fostering the spread of information useful for the integration of foreigners into Italian society, particularly with regard to: their rights and duties; different integration opportunities; the possibility for a positive reintegration into the country of origin; favouring initiatives geared towards the protection of legality, the prevention of discrimination and, most importantly, towards overcoming possible situations of uneasiness and tension.

78. The new regime in matters of immigrant labour has been thoroughly explained. This notwithstanding, it must be kept in mind that almost all regions have introduced, on a regional basis, special laws on labour, education and housing issues for immigrant workers. In some regions and municipalities (i.e., Turin, Modena, Padua and Bologna) Advisories of the Foreign Community (Consulta della Comunità Straniera) have been instituted. In some Municipal Councils the position of assistant councillor (Consigliere Aggiunto) has been created for mediation between the administration and the immigrant community. In addition, training courses have been introduced for cultural mediators.

3.2 The Service for Issues Related to Non-EU Migrant Workers and their Families

79. The Service for Issues Relating to Non-EU Migrant Workers and their Families, created by Ministerial Decree 26/9/89, in conformity with article 3 of 30/12 /1986 Law No. 943, carries out its own duties with the objectives pointed out in article 3 and is in agreement with the provisions of legislative decree 286/98 by means of which the "Testo Unico" on matters of immigration was approved. In the framework of its institutional duties, the Service collects and assesses information and data with a view to acquiring a deeper knowledge of the migratory phenomena and of the problems arising in the context of local realities.

80. Firstly, the Service publishes an internal bimonthly informative journal to the end of coordinating, at a cognitive level, the normative and administrative provisions enacted on the subject of immigration.

81. In addition, the service collects on a bimonthly and quarterly basis data concerning the authorizations issued by the decentralized offices in conformity with articles 22 and 27 of the "Testo Unico 286/98". Data regarding the surveillance activity carried out by the Labour Inspection Services (Servizi Ispezione del Lavoro) and by the Provincial Labour Units (Direzioni Provinciali del Lavoro) are also collected. Particular emphasis is given to the employment of non-EU workers and to the phenomenon of irregular labour.

82. While awaiting implementation of the provisions of the new immigration law concerning the establishment of Regional Councils for Immigration and of Territorial Councils, in the framework of article 3 paragraph 6, and of article 42 of the "Testo Unico 286/98", the Service has collected data relative to the activity of the existing Regional Councils.

83. The data collected concern the social integration of non-EU immigrants, focusing particularly on the more relevant issues of housing, job training and labour and cultural integration. On the basis of the provisions of article 3, paragraph 4 and article 21, paragraph 4 of the "Testo Unico 286/98", the Service participates in the elaboration of the Migratory Flows Decree that must be issued annually by the Presidency of the Council of Ministers. To this end, the Service has arranged for the monitoring, at the regional level, of Italian labour market needs, on the basis of indications provided by the Regional Labour Units. Notes (*circolari*) have been issued regarding the growing need to establish, in advance, quotas for the 1999 entry flow. In addition, the Service is elaborating data concerning the verification of labour contracts at the level of the Provincial Labour Units, within the framework of the regulations provided for in the Decree of the Presidency of the Council of Ministers of 16 October 1998. Entry applications are also being reviewed for advisory opinions.

3.3 Monitoring by Labour Inspectorates

84. Data relative to the irregularities encountered during verifications with enterprises which hire foreign workers from non-EU countries has been disaggregated from the annual reports on the surveillance activity carried out in 1998 by the Labour Inspectorates.

85. The enquiry served as a valid monitoring mechanism to better understand, within the framework of local realities, the immigration phenomenon and its related problems. This has allowed for an evaluation of the operative effects of the new immigration law No. 40 of 6 March 1998, introduced in the "Testo Unico" and adopted by Legislative Decree 286/98 concerning the immigration law provisions on the status of foreigners.

86. The most significant data emerging from the analysis of the statistical tables annexed to the present report relates to the progressive stabilization of the immigration phenomenon which is probably due to the policy adopted by the Italian Government in recent years by means of legislative provisions aimed at regulating non-EU workers. The stabilization of the immigration phenomenon as linked to the labour market is confirmed in the data concerning the granting of employment cards to regular residents and to their registration in the employment lists.

87. Other data emerging from a comparative analysis at the national level is indicative of the stabilization of the immigration flow as of 1997. It should be taken into account, however, that procedures on the regularization of non-EU citizens within the framework of the Decree of the Presidency of the Council of Ministers of 16 October 1998 are under way. It is well known that in 1998 the decentralized offices were involved in carrying out verifications of labour contracts, which has had a notable impact on the much broader inspection activity. The latter, required in the latest part of the year, involves both administrative personnel and the inspection units responsible for the certification of contracts.

88. The results emerging from the information elaborated at the regional level show an attenuation of the regular immigration phenomenon. The latter was found to be limited in relation to the labour force which was under scrutiny by the investigations. At the national level, the comparative analysis of the data which is reported in the annexed statistical tables highlights a slight decrease, since 1997, of the non-EU labour force, of which 30 per cent does not hold a valid residence permit. As a direct consequence, there was a slight decrease in the granting of employment cards with respect to the previous year. This decrease was seen primarily in the region of Latium (decrease of about 10,000 individuals) in Tuscany, Campania and Puglia, with a decrease of less than 1,000 individuals. In Veneto, instead, there was a marked increase of 3,700 individuals.

89. This data must be crossed-checked with the data regarding the participation of women in the labour force. Women represent over 30 per cent of those holding a valid residence permit for work purposes. This data remained constant between 1997 and 1998. In the analysis of the territorial division of labour, women are represented in greater number than men only in those regions where domestic work constitutes the principal sector of immigrant labour: Campania, Emilia-Romagna, Lazio, Liguria, Molise, Puglia, Sardegna and Sicilia. According to data on immigrant labour collected by the employment bureaux, in 1998 women accounted for only 11.5 per cent of those working in the industrial sector, a sector that employs 41 per cent of the immigrant labour force. In the agricultural sector, these percentages were 13.3 per cent and 25.3 per cent respectively. Instead 33.3 per cent of women, found work in the service sector, which employs the remaining 35.5 per cent of the immigrant labour force. However, the same data disaggregated by type of work shows that in domestic work women represent 58.8 per cent. This occurs regardless of the academic degree or professional qualification held by immigrant women. As a matter of fact, women experience a profound professional segregation. In many cases, the only available options for women coming from non-European countries, seem to be domestic work or home assistance, or work in bars, restaurants or hotels as waitresses.

90. To this, other considerations should be added regarding the segregation of categories of work. Indeed, some ethnic communities have a sort of monopoly in certain activities. This happens in the domestic sector with a predominance of Filipinos, Sri Lankans, Peruvians, Somalis and Ethiopians, construction communities; manual-labour with a predominance of Poles, Romanians and Albanians; and some itinerant trading, which is also ethnically determined. This is symptomatic of the creation of virtual networks for the insertion of fellow nationals into the labour market, which often take the form of real exclusive territories which are impossible for nationals of other countries to penetrate. This worsens the situation of women. Different surveys showed that the lack of dependent children constitutes a preferential characteristic for women seeking domestic work. In other terms, this means that women with

children encounter more difficulties and must often content themselves with working "per hour" for different employers. This precarious condition can have negative consequences for the renewal of the residence permit and favours the entry of women into the underworld.

91. During the inspection activity, the number of enterprises in which around 17,000 non-EU workers have been found was, in 1998, slightly lower than that of 1997, with foreign labour accounting for 3 per cent of total employment. This data remains constant with respect to 1997. The distribution per region varies in relation to the needs of the labour market: 64 per cent of non-EU workers work in northern Italy, 17 per cent in central Italy and 19 per cent in southern Italy and the islands.

92. The penal and administrative offences attributed to the enterprises mostly relate to violations for irregular hiring (lack of permit and authorization by the provincial offices, residence permit, etc.), for failure to include workers on pay-roll registers, for lack of social security and insurance dues. There were 20,721 administrative provisions taken and 1,504 reports forwarded to the Judicial Authority - a decrease from 1997 (25,066) - with regard to defaulting enterprises.

93. Irregular workers make up 30 per cent of the entire employed non-EU labour force, thus keeping at a constant ratio to that of 1997. The irregularities are diversely distributed throughout the national territory: 50 per cent in northern Italy, 27 per cent in central Italy and 23 per cent in southern Italy and the islands. The highest rate of irregularities related to residence permits has been found in Puglia, Piedmont and Veneto, whereas agriculture and the service and hand-craft sectors were considered the sectors mainly concerned with the general phenomenon of irregular labour. On a general level, a high incidence of irregularities has been detected in the agricultural sector (Puglia and Molise), industry (Lombardy), in public services and the hand-crafts sector (Piedmont, Lombardy and Veneto).

94. The general situation depicted by the enquiry confirms the attenuation in Italy of the regional immigration phenomenon, which is probably due to the most recent legislative provisions on immigration matters. Despite the low percentage of the presence of immigrants, the situation remains, however, considerably alarming because of the continuing pressure on both the south-eastern (Puglia) and southern (Sicily) fronts. One need only mention the thousands of clandestine persons intercepted in 1998 by the Italian police whose tracks have been lost after the notification of expulsion.

3.4 Some considerations on the evolution of the work of non-EU nationals in Italy and on statistical data

95. The ways and possibilities for immigrants' labour integration constitute an aspect of great relevancy for the phenomenon of migration. They assume particular relevancy if correlated to instances if discrimination committed at the expense of foreign individuals practising a profession in our country. Italy faces a consistent and growing demand for immigrant labour. On the basis of data derived from the INPS archives, 315,148 non-EU workers were found to be working on the national territory as employees, which represents an additional 7 per cent as compared to figures for 1994. Almost 9 out of 10 non-EU workers work in northern and central

Italy, with a particularly strong concentration in three regions, which alone employ half of all non-EU workers: Lombardy (25 per cent), Latium (13 per cent) and Veneto (12 per cent).

96. In the different areas of the country, the demand for immigrant labour varies not only in terms of volume, but also composition and, thus, the numbers of persons employed by families and firms respectively. By means of this differentiation it is possible to highlight more typologies of immigrants labour integration.

97. To begin with, a "traditional" model can be defined. This is typical of the northeast distribution, which is characterized by an absolute predominance of demand from the productive sector (88 per cent) and a relative scarcity of demand expressed by families. More than half of all non-EU workers (50,612) are employed in the industrial sector: a third of these work in the mechanical sector, 19 per cent in the building industry, 10 per cent in the tanning industry and 8 per cent in the wood and furniture industry.

98. As regards the demand for agricultural workers, more than 40 per cent of non-EU residents working in the sector (12,778) are employed in the northeast, especially in the provinces of Bolzano (18 per cent), Trento (4.1 per cent) and Verona (4.2 per cent). Only 9 per cent have a long-term contract. Thus, the demand for non-EU agricultural workers is primarily seasonal.

99. The second model is typical of the central and southern regions and could be defined as domestic. This sector employs 39,557 workers in central Italy and more than 19,000 in the southern regions and the islands (67 per cent). The rest of the immigrant labour demand in the south and the islands is to be found in the agricultural sector, in which 6,839 are employed. This accounts for 22 per cent of the total national demand. In the central regions, instead, industries absorb the highest quotas of the demand for foreign labour, with 18,365 workers. They are particularly concentrated in Tuscany and in the Marche which, with 8,638 and 5,319 workers respectively, absorb about 12 per cent of the total national demand in this sector.

100. Finally, the northwest model stands out as having more balanced characteristics. The industrial and service sectors (40 per cent and 23 per cent respectively) are those which primarily make use of immigrant labour. Another third of non-EU citizens work in the domestic sector. This is the territorial division in which a greater number of non-EU employees are to be found: 108,161, equal to 34.3 per cent of the total national employment of non-EU workers. Furthermore, the higher number of non-employed in the service sector (24,866 of a total of 62,508) is found working in the northeast): the Milanese area employs 20 per cent of non-EU workers alone. Non-EU workers employed in this area number 43,175, of which 31,319 are in Lombardy. Of the latter, more than half is concentrated in the three provinces of Brescia (8 per cent of the national total), Milan (7 per cent) and Bergamo (4.3 per cent).

101. Particular attention must be given to the integration of non-EU workers in the domestic services sector, both for its high numbers (105,786 in 1996) and for its territorial distribution characteristics. The growing role that non-EU workers play in the life and management of family units should also be highlighted. Indeed, in recent years families are increasingly hiring non-EU workers so that in 1996 they represented 48 per cent of the total, against 28 per cent in 1994.

102. The great majority of domestic workers are concentrated in big cities. Particularly attractive to non-EU workers are the two provinces of Milan and Rome, which together host 45 per cent of said group. This is the only sector in which, traditionally, there is a strong female predominance (70 per cent in 1996). The most notable exception are the Sri Lankans, who are predominantly men. Almost a third of non-EU domestic workers come from the Philippines, 10 per cent from Peru and 9 per cent from Sri Lanka. Last year the increased presence of immigrants from Europe coming from Albania and Poland made up more than 8 per cent of all non-EU domestic workers.

103. A comparison among all levels of regular employment considered in this report and the number of residence permits for employment highlights an important margin between the labour force employed in the formal sector and the number of potential workers (which may be ascertained on the basis of residence permits). At the national level, 52 per cent of potential workers exercised, in 1997, a regular wage-earning activity. In the northeast division the quotas reach almost 74 per cent. In other areas, lower levels are to be found: from 55 per cent in the northwest, to 28 per cent in the south.

104. Notwithstanding the regularization provisions of 1995-1996, which in recent years should have consistently fostered the emergence of foreign irregular labour, the quotas of foreign labour regul rity did not have notable variations (49.3 per cent in 1994). The general data indicated to date needs to be evaluated in strict correlation with the recent Italian normative output which provides a new organic discipline, inter alia, in relation to labour.

4. The issue of housing

105. The large immigration phenomenon in our country, which has attained a significant dimension, can be singled out with regard to one important factor: the progressive and evident stabilization of foreign citizens on Italian territory. This has given rise to the need to find suitable solutions for immigrants' housing needs by means of a differentiated approach covering emergency and ordinary conditions.

106. Indeed, with the adoption of the "Testo Unico 286/98" it was affirmed that foreigners present on the national territory whose status has been regularized "have the right of access, on an equal footing with Italian citizens, to residential and public housing and to intermediary services of public agencies provided by the regions and local entities for the purpose of facilitating access to housing and facilitated credit with regard to building, recuperation, acquisition and renting of the first house"(art. 4, para. 6).

107. Furthermore, the responsibility of providing reception centres, temporary accommodation and ordinary and definitive housing solutions was given to the regions, in collaboration with the provinces, municipalities, public and private entities, foundations, associations and voluntary organizations, utilizing both their own resources and those of a national fund established for this purpose.

108. Currently, available housing is being developed taking into account the concepts of first reception, ordinary housing, facilitated housing construction and public housing. Regarding first reception, this should be seen as a specific service, of a temporary nature, aimed at

meeting an urgent need for a limited period of time, and should be realized by means of the above-mentioned national fund and other regional funds. Ordinary housing (housing for rent by private entities) and facilitated housing construction raised little interest. Public housing, on the contrary, is characterized by different types. As regards temporary rentals, this could satisfy three different kinds of need: temporary accommodation (passage to a definitive accommodation), lodging of high mobility groups (a category which is hardly found on the market), and lodging for people or units facing temporary housing difficulties. As for ordinary/stable housing, to be assigned as fixed long-term rentals with a possible agreement for future selling options with right of pre-emption by the tenant, this is a solution of a non-essential, but of a rather complementary character. An interesting provision foreseen in the "Testo Unico 286/98" concerns the involvement of employers in seeking housing solutions; article 22, paragraph 2 provides that "in the context of the employment authorization demand, the employer must exhibit valid documentation indicating the available lodging facilities for the foreign workers they wish to hire". According to this provision, employers must ensure appropriate housing facilities to immigrants and their families by means of their own resources.

109. Finally, the numerous innovative local initiatives promoted by the municipalities, cooperatives, voluntary associations, especially in the northern and central regions deserve to be mentioned. These initiatives consist of "social housing activities" and are finalized to (a) allow for higher accessibility to the private housing market, mobilizing available housing and providing for intermediary services geared toward the elimination of obstacles faced by immigrants; and (b) to establish and manage a pool of available housing which is to be rented out at subsidized prices, utilizing both private and public resources.

110. Concerning possible cases of discrimination against foreign individuals who are in need of adequate housing facilities and subsistence means on the Italian territory, Law No. 40/98 provides in its articles 3 and 40, that regions and local entities should take preventive action in carrying out initiatives geared towards the integration and social inclusion of foreigners. Particularly, article 40 gives the said authorities the responsibility to create reception centres suitable for hosting foreigners who are regular residents and who are unable to provide for their own subsistence. Such centres provide assistance in the areas of social and health services and socio-cultural services to favour autonomy.

111. Furthermore, article 42 of the above-mentioned law provides for full equality of treatment for foreign workers with Italian citizens with regard to the right of access to public housing. Here, the State is called upon to promote, in accordance with article 42, any possible form of collaboration with local administrations, with associations and other qualified entities active in the field of relief and assistance to immigrants. This collaboration aims at fostering the dissemination of information useful to the integration of foreigners into Italian society, particularly with regard to their rights and duties, different integration opportunities and the possibility of a positive reintegration into the country of origin, favouring initiatives geared toward the protection of legality, the prevention of discrimination and, most importantly, towards overcoming possible situations of uneasiness and tension.

5. The right to education

5.1 The presence of foreign minors in Italy

112. Before focusing on discrimination which might take place in Italian schools, it is necessary, above all, to give some general information as to the presence of minors in our country, as well as to the composition and principal characteristics of the school population itself.

113. According to official figures, there were close to 47,000 foreign minors resident in Italian municipalities in 1997. However, data on the enrolment of foreign students in Italian schools registered more than 70,000 foreign persons in 1997/98, and more than 85,000 in 1998/99, thus demonstrating the positive results of the Directives of the Ministry of Education and those of Law No. 40/98, aimed at ensuring the right to education for all minors, even those without a valid residence permit. The great majority of them (more than 90 per cent) come from countries with a high migration rate.

114. The presence of foreign children in Italian schools has been of greater relevance since the beginning of the 1990s. In the 1996-1997 school year, there were over 11,000 children attending kindergarten, a number almost double that of the preceding five years, while at the level of compulsory schooling, the numbers rose to 37,000. The overall number of foreign students is not high, but these students are nonetheless present in 34.4 per cent of academic institutions and have considerable impact on school organization and on the life environment of Italian children.

115. In the northern regions, almost 50 per cent of all schools, both elementary and high schools, host foreign children. This percentage is reduced to 44.1 per cent in the central regions and reaches 13.1 per cent in the south, with the only exception being the region of Puglia, where 30 per cent of the schools are presented with the phenomenon. The Italian provinces in which the highest percentages of foreign students are enrolled are Reggio, Emilia and Trieste, cities that are also characterized by low fertility rates.

116. Foreign students come from almost 100 countries and of those three quarters come from 17 countries with more than 1,000 students. In order of significance, the more highly representative are: Morocco (about 15,000 students), Albania (about 13,000), China (about 6,000), and Serbia (about 5,500). Significant also is the number of Bosnian, Macedonian, Romanian, Peruvian and Filipino students (with more than 2,000 students per country). In the majority of cases (about 80 per cent) there is a small number of students per school (between 1 and 5). In 16.5 per cent of cases there are between 6 and 10 students, in 365 schools they vary between 11 per cent and 30 per cent, and there are only 27 schools with more than 30 per cent of foreign students, almost half of these being female.

117. Even though the number of foreign students attending secondary school almost doubled from 1992 to 1998 (from little more than 4,000 to almost 9,000), it is still lower than the number of foreign children at the compulsory school level. This is due to the young age structure of foreign families. On the whole, students attending secondary schools, who come from countries with a high migration rate, represent slightly more than 65 per cent of foreign students, while at the compulsory school level the figure reaches almost 95 per cent. In this instance, the number

of females is slightly higher for all national communities, except for the African and Eastern European countries, where males are more numerous. The greater number of school dropouts is registered among girls of these communities. The areas of intervention of local autonomous communities have been identified with the entry into force of the "Testo Unico 268/98", on an inter-institutional and social coordination basis geared toward promoting intercultural policy between foreign workers and Italian citizens. Particular emphasis must be given to Italian language courses, information regarding rights and duties, as well as personal and community growth opportunities in the territory, the promotion of the language and culture of the country of origin and the training of personnel who work largely with foreigners.

118. The Permanent Territorial Centres (Centri Territoriali Permanenti "CPT") assumed particular relevancy for the achievement of the aforementioned objectives. The CPTs were instituted by means of Ministerial Order No. 455 issued by the Ministry of Public Instruction in 1997 with the aim of promoting educational training for adult immigrants present in Italy. On the basis of data relative to the biennium 1998-1999, it was possible to identify the existence of 389 CPT (it is estimated, however, that 35 per cent of these are still in the initial stages) spread out over the national territory in a more or less uniform pattern. Indeed, there is a higher concentration in the south than in the north. More broadly representative examples of intercultural projects can be found in the region of Friuli-Venezia-Giulia (the "La voce dell' Altro" initiative of 1993), in the cities of Cremona (Mondinsieme "Incontri una Persona Conosci un Popolo", courses for social workers, teachers, foreign students, children belonging to the Islamic religion) and Prato ("Prato Multietnica", 1992). Women are at a disadvantage concerning university attendance, where non-EU men number on average 12 per cent more than women. This is a counter-tendency to the Italian reality where, in many faculties, women are represented in a higher number than men. Yet, the number of women is almost doubled if Asian or African students are considered in their entirety. This gap widens for graduates. The problem of university acceptance exists for both men and women. This is partly due to the lack of recognition of advanced study certificates of the country of origin, but also to the introduction of the "restricted number" which requires procedures which foreign students, particularly those coming from developing countries, are not always able to comply with on time.

5.2 Foreign students

119. During the period 1998-1999, the development of prospects for social integration and the elimination of forms of racism in education seemed to be directly linked, in terms of both juridical and operative aspects, to the effective implementation procedures of Law No. 40 of 6 March 1998 and to the programme document relative to immigration policy in the territory of the State (Presidential Decree of 2 August 1998). The above-mentioned procedures are set out in the provisions concerning the procedures to be followed in matters of immigration and the status of foreigners (Legislative Decree No. 286 of 25 July 1998, Title V) contained in the "Testo Unico", and in the implementation regulations of Law No. 40 (Presidential Decree No. 384 of 31 August 1998) article 44 of which sets out clear admission criteria for foreign students in Italian schools and the framework of specific actions to be taken to facilitate integration and develop intercultural education. Such provisions represent the result of the efforts by the Italian public education system in the difficult areas of normative action and

awareness-raising (see chapter 7 of the previous report (CERD/C.317/Add.1)), and set out a normative and practical framework which today appears to be institutionalized, in its entirety, in Italian schools.

120. Some innovative elements deserve to be highlighted:

(a) The affirmation of the right to education, independent of immigration status related to the residence permit, "in the ways and manner foreseen for Italian citizens". This provides for total equality of treatment with respect to compulsory school attendance and affirmative action as regards the possibility of enrolment in any period of the year" independently from the holding of personal documentation and of previous study certificates;

(b) The affirmation of the right to attend the class corresponding to the chronological age of the student, unless the board of professors decides to assign the latter to a different class on the basis of documentation and considerations which must be taken into account:

(i) The school system of the student's country of origin. This could determine the placement of the student in a class immediately higher or lower with respect to his age;

(ii) Assessment of the competence, abilities and level of preparation of the student;

(iii) The course of study undertaken by the student in his/her country of origin;

(iv) The certification of study held by the student;

(c) The prospective for positive integration action which obliges the school to: place foreign students in different classes, thereby avoiding classes comprising mainly foreign students; to define the adaptation of teaching programmes through the adoption of specific individualized or collective intervention; to facilitate the learning of the Italian language, identifying internal resources, also within the framework of additional teaching activities for the enrichment of the school curricula; to spell out means and criteria for communication between the schools and the families of foreign students, also by appointing "qualified mediators";

(d) The identification of specific intervention instruments, structures and ways to be utilized by every school - by means of agreements with foreign associations, diplomatic and consular representations of the students' countries of origin, with voluntary organizations, etc. - to realize reception interventions as well as educational and intercultural initiatives with particular reference to the "protection of the culture and language of origin and to the study of foreign languages which are more internationally spoken";

(e) The conduct by academic institutions of cultural and educational integration activities to meet the needs of adults, through the establishment, at the Permanent Territorial Centres for adult education and training, of primary and secondary school literacy courses; Italian language courses, study courses geared towards the attainment of the compulsory school-level certificate; study courses for the achievement of a qualification diploma or of a secondary school diploma etc.;

(f) The systematic introduction of intercultural education themes within the framework of the updating of institutional activities with regard to school inspection, administrative and teaching personnel.

121. In this context the MPI is developing, among others, specific teacher training initiatives for the teaching of Italian as a foreign language. Such initiatives have been included in the Labour National Collective Contract for school personnel of 31 August 1999 (art. 19) and have been the object of a specific Ministerial Directive (No. 210/99). The MPI - Coordination for the training of in-service teaching personnel - signed agreements with 17 Italian universities for the generalization of courses providing training in that particular type of teaching.

122. Parallel to what is mentioned above, the MPI, Intercultural Thematic Coordination Unit, started, in collaboration with RAI - Italian Radio - Television, a national distance learning programme for teaching personnel for the 1999/2000 school year on the themes of citizenship, racism and intolerance prevention, pluralism, with particular reference to the learning of languages and cultural mediation (Council of Ministers Decree No. 17 of 14 January 2000).

123. Since 1995 the MPI - General Direction for Intercultural Exchange - has been developing a programme of specific co-financing for Cupertino European educational pilot projects geared toward the two principal themes of intercultural education in Italian schools and in support of schooling for immigrant children, gypsies etc. In this context, in the biennium school years 1997/98 and 1998/99, 36 pilot projects have been established in 10 Italian regions and 12 provinces, for a total financial cost of more than 3.5 billion, geared mainly towards intercultural education for all students (particular attention is given to the prospects for the dissemination and institutionalization of experiences), areas of cultural and academic integration (particular emphasis is placed on the learning of new languages and on communication skills), and specific interventions against discrimination (particular attention is placed on supporting social and cultural integration, human rights and citizenship).

5.3 Roma students

124. As it is well known, the difficulties of formal recognition in Italy of the gypsy community as an ethnic and cultural minority, due to the various structures of cultures and citizenship which make up the world of the gypsy communities, make it particularly difficult to analyze the situation and to intervene directly in order to favour the integration of Roma students. The data given by an enquiry on the current status of the gypsy community in Italy - carried out by the Italian Opera Nomadi in June 1998 in five sample cities (Turin, Reggio Emilia, Bologna, Rome and Alghero) and later projected on the entire national territory - may represent a first general picture of the problem. The enquiry states that the number of gypsies present in Italy in that period of time is calculated at around 92,000 individuals, of which 60,000 are Italian citizens. Of this total, the majority is sedentary: as a matter of fact, 42,000 Italian gypsies are regular Italian citizens and 22,000 gypsies are not Italian citizens. Among those who are non-sedentary, almost 18,000 Italian gypsies and 6,500 foreign gypsies are nomads. In 1998, 3,200 foreign gypsies were in transit through the Italian territory.

125. Of the total number of gypsies present on the Italian territory, one third are young people subject to compulsory schooling (32,000 boys and girls), of which 20,000 are Italian citizens and 12,000 are foreigners. Of the latter, 8,000 are able to speak fluent Italian. Young people of compulsory school age enrolled in schools may be categorized as follows:

Elementary school:	9,000 students of Italian citizenship
	1,500 foreign students
Secondary school:	400 students of Italian citizenship
	100 foreign students.

There are 10,000 gypsy boys and girls of Italian citizenship and 10,000 foreign gypsies are not considered to have been enrolled any level of compulsory school.

126. To this situation must be added the issue of low school attendance highlighted by the enquiry (35 per cent of those enrolled in school attend fewer than 100 days per school year) and of a high dispersion rate of gypsy students (24 per cent of these students are one year late in enrolling in school; 16 per cent are between 2 and 3 years behind in enrolling in school; 8 per cent are not admitted to the next academic year among those enrolled in elementary school; 7 per cent have been officially transferred to another elementary school, 23 per cent are either drop-outs or are untraceable. For girls the cause is often an early pregnancy, an eventual marriage and the need to provide for the new family unit).

127. In addition to other ordinary actions aimed at supporting and promoting the right to education for all and cultural integration, the Ministry of Public Education is experimenting with specific interventions for gypsy youth of compulsory school age, geared towards two kinds of support:

(a) Training and use of gypsy cultural mediators (with five pilot projects in the provinces of Mantova, Milan, Reggio Calabria and Turin and in the region of Puglia);

(b) Utilization on a trial basis of innovative means for assisted distance learning (with two pilot projects in Rome - University of Tor Vergata - and at Noto - SR).

128. Finally, mention must be made of the role of cultural mediators with regard to the cultural integration process. For the first time the "Testo Unico" introduces and recognizes the figure of the cultural mediator "for the purpose of facilitating the relationship between the administrations and the foreigners belonging to the various ethnic, national, religious and linguistic groups" (art. 42, para. 1). The first mediation and cultural training experiences are rather recent and were developed between 1990 and 1998 in some of the major Italian cities (Milan, Turin, Florence, Modena, Padua, Udine and Rome). Yet, these local experiences have raised issues of interpretation concerning intercultural and cultural mediation concepts. The first has been defined as essential for the exchange of views and a constructive and successful dialogue with the foreigners present in our country, while the second has highlighted the need to proceed in adequately training operators by means of both a general approach on intercultural

relations and communication and a specialized integration approach with reference to the different areas of foreigner integration (education and training, health, security and justice, reception).

6. Health protection for foreigners

129. With regard to the protection of the rights of those immigrants present in our country, as well as the prevention from any form of racial discrimination against them, particular importance must be given to the area of health assistance.

130. Two principal instruments have been adopted by the competent institutional authorities in this domain: the National Health Plan 1998-2000 and Law 1998/40 in the implementation of article 47, paragraph 1, of law 1998/40, the "Testo Unico" emanated from Legislative Decree 286/98 and the implementation rules emanating from presidential decree of 31 August 1999. In the National Health Plan, attention should be focused, above all, on the paragraph entitled "The Pact with the International Community", in which the need to find efficient synergies at the international level, especially with European countries in the Mediterranean area, is highlighted. It addresses issues related to the intensity of migratory flows and to less developed countries, for reasons which go beyond the efficiency of interventions but which stress solidarity and human development. The content of the chapter on foreigners and immigrants is also interesting as it highlights the need to adopt a positive approach, in the consideration of special factors for immigrants' health (such as the epidemic picture of the country of origin, the cultural and psychological aspects, discrimination in the access to services). Furthermore, one of the fundamental objectives of the Health Service (SSN) is the guaranteed access for all immigrants to health assistance in the entire national territory, and that the vaccine cover guaranteed to the Italian population must be extended to the immigrant population. To this end, systematic instruments for the recognition, monitoring and evaluation of immigrants' health needs must be developed; the experience of the qualified volunteer sector evaluated; the training of health workers sensitive to intercultural approaches in health protection provided; and finally, assistance geared towards the immediate use of services and their compatibility with the cultural identity of immigrants offered.

131. Law 1998/40 in Title V, instead provides for a new basic discipline with respect to health assistance to foreign non-EU citizens present on the national territory. Compulsory health assistance, or, better the obligation to register for National Health Assistance, is foreseen for foreigners resident in Italy who are independently or otherwise employed or are registered on the employment lists, and for foreigners who obtained a residence permit or asked for the renewal of the latter for the following reasons: independent or other work activity, family, political asylum or humanitarian reasons, or awaiting foster care and the acquisition of citizenship. The above-mentioned assistance, which gives the right to the services provided by the Service, is also given to dependent relatives regularly living on the Italian territory and is assured, from birth, to minor children of foreign nationals registered with the Service.

132. Article 32 affirms the parity of treatment and full equality of rights and duties of the above-mentioned foreigners with Italian citizens with regard to contributive obligations and the assistance provided in Italy by the SSN and its temporal validity. In particular, foreigners who

are regularly resident and registered in the employment lists must be allowed to register for free, like Italian citizens under the same conditions; rehabilitation and prosthetic assistance are also provided under the same conditions.

133. It is no longer necessary to renew annually the subscription to the Service; the cancellation of the health services will occur at the same time as the expiration or annulment of the assisted individual's residence permit.

134. It must be underlined that Law 1998/40 extends health assistance to individuals who earlier did not benefit from compulsory insurance. Indeed, now not only are unemployed foreigners seeking first employment or unemployed persons registered on the employment lists included, but also all persons who have an income from a work activity undertaken in Italy. The expression "independent work" must be defined broadly to mean that all those who carry out a work activity, even if not in the framework of wage-earning labour, can be considered independent workers.

135. To carry out the compulsory registration with the SSN it is necessary to show the residence permit or the substitute certificate (if the residence permit is to be renewed). An annual contribution must be made for participation in the Service; this is calculated on the basis of a percentage of the income earned throughout the previous year in Italy and abroad.

136. Voluntary subscription to the Service can also be requested by foreigners holding a valid residence permit for reasons of study and by au pair foreigners (for these last two categories of foreigners the contribution is not valid for family dependants).

137. Resident foreigners who do not belong to the category of those who are required to register with the SSN are requested to insure themselves against sickness, accident and maternity risks, by means of an insurance policy or through voluntary subscription to the SSN which also must be valid for family dependants. Voluntary subscription to the SSN is allowed only for foreigners holding a residence permit of a duration longer than three months, with the exception of students and au pair persons who may request subscription for a shorter period of time.

138. Foreigners whose presence on the national territory is not in line with the rules relative to entry and residence are assured urgent or essential ambulatory and hospital services as well as prolonged treatment for sickness and accidents, and have the right to be included in programmes of preventive medicine as well as individual and collective health care. It needs to be highlighted that access to the health structures for the above-mentioned people does not require any kind of denunciation to the police authorities, unless a medical report is required on the basis of in-force legislation (valid also for Italian citizens). The above-mentioned preventive assistance includes, in particular, the same pregnancy and maternity care as are available to Italian women, both for regular and irregular immigrant women, who will not face denunciation to the judicial authority; health care for minors, vaccination in accordance with in-force legislation and in the framework of collective preventive measures; international preventive interventions; and prophylaxis, diagnosis and cure of infectious diseases. Whenever a person lacks adequate financial resources, the aforementioned services are provided for free, with the

only exception, as for Italians, being the payment of a participatory fee. The Ministry of the Interior will provide financing for emergency or essential preventive services, while the regions will provide for preventive medical interventions and related services.

139. After the entry into force of the aforementioned law, it can be affirmed that considerable results have been achieved at the local level in this domain (Rome: Società Italiana di medicina delle migrazioni, Gruppo di Collegamento regionale immigrazione e salute, Poliambulatorio della Caritas, Ospedale S. Gallicano, ASL Roma E - Servizio di Medicina delle migrazioni e del turismo; Milano: Naga, ASL; Torino: ASL 1 Centro Fanon; Bologna: ASL; Firenze: ASL 10), including not only institutional bodies, but also the voluntary sector.

140. For many immigrant women the problem of communicating with medical and paramedical personnel remains, as well as that of obtaining adequate care and intervention, in particular with regard to reproductive health, pregnancy and childbirth when they have undergone any form of female genital mutilation. To this end, an Inter-Ministerial Commission has been established at the Department of Equal Opportunities, which foresees the participation of the Higher Health Institute, immigrant gynaecologists and cultural mediators, as well as the Istat, with the aim of monitoring the phenomena in Italy and defining adequate health policies.

7. The treatment of foreigners in detention

141. It must be highlighted that after the issuance of Legislative Decree No. 230 of 22 June 1999, "Reorganization of penitentiary medicine" (SO No. 132/L to GU 165 of 16 July 1999), the protection and promotion of the right to health of detainees and internees, including those of foreign citizenship, falls under the competency of the SSN. This decree, after affirming the parity of treatment and full equal rights of detainees with respect to free citizens, foresees compulsory subscription to the SSN of all foreign citizens, whether or not they hold a valid residence permit, including detainees at partial liberty or with alternative sentences.

142. In particular, the SSN ensures preventive interventions, care and support for social and psychiatric problems, special forms of assistance in cases of pregnancy and maternity of women detainees or internees and paediatric assistance and infant nursing for the children who during the first stages of infancy cohabit with their mothers in detention centres. Detainees and internees do not pay fees for the services provided by the SSN.

143. Article 8 of the above-mentioned Legislative Decree 230/99 stipulates:

- As of 1 January 2000 health protection functions related only to the sectors of prevention and assistance to drug addicted detainees and internees are transferred to the SSN;

- The transfer of the remaining functions will occur after the beginning of the gradual experimental transfer of the same functions to the extent provided in article 5, paragraph 2, of Law No. 419 of 30 November 1990.

144. The large increase in the number of foreign prisoners in Italian penitentiary institutions is a phenomenon which has different manifestations in the different regions of Italy: it gains particular significance starting from central Italy, to gain enormous relevance in the north. For this reason, in the north different initiatives have been taken together with concerned local organizations and/or associations.

145. The penitentiary administration has adopted different means of action: firstly, directives were issued geared towards the removal of obstacles for foreigners in access to treatment and working opportunities, to facilitate the exercise of religious beliefs and worship and to facilitate the relationship with the consular authorities of the country of origin.

146. At the central level, the theme: "Knowledge of constitutional rights and the international protection of the rights of detainees" has been added to the training programme of penitentiary personnel. Furthermore, in 1998, a series of training projects were carried out involving all professional personnel of the administration, as follows: "The dignity of the person at the centre of legality", articulated in three phases: an introductory seminar at the central level, initiatives at the local level, and a concluding seminar which gathered public, private and volunteer institutions; "Human rights of detainees" a coordinated initiative of Il Centro Studi e Iniziative per la Riforma dello Stato, penitentiary police personnel, the directors of penitentiary institutions, educators and social assistants. In addition, the Arma dei Carabinieri initiated the following personnel training courses: at the School for Military Officers a chair in the law of armed conflicts was established, in agreement with the Centro di Ricerca e Studio sui Diritti dell'Uomo of the LUISS, with the objective of adequately training its personnel; the War College began a course for legal advisers to the armed forces in humanitarian law as applied in armed conflicts; the Istituto Internazionale del Diritto Umanitario offered a course in international humanitarian law.

147. In relation to the State police, in particular, it must be stressed that the personnel already in service were requested to attend experimental courses on the "training of police in multicultural societies", organized in the framework of the transnational project "NAPAP - The non-governmental organizations and the police against prejudice" of the European Commission, of which the Department of Public Security has been a partner.

148. At the local level, many initiatives have been promoted in the framework of territory-wide training, for example the projects presented and carried out by the Regional Superintendents (Provveditori Regionali). These dealt with the issues of professional integration, collaboration among professional figures, a territorial network in order to strengthen the ability to address the multidimensionality of treatment of detainees and the inter-institutional work fundamental for intervening in favour of the detainee population in its entirety, and thus also of the foreign population (the DAP was co-sponsor of a seminar, with the Region of Tuscany, Province and Municipality of Florence, carried out last May precisely on the issue of the detention of foreigners).

7.1 Respect for the religious beliefs of detainees

149. The principle of impartiality of treatment and of non-discrimination in relation to nationality, race, economic and social conditions, political opinions and religious beliefs (art. 1,

para. 2 of Law No. 354 of 26 July 1975 and the provisions of the circular issued by the Ministry of Justice on 13 March 1989 are factors of great relevancy in the instances where detainees profess a religious faith which calls for the observance of specific duties.

150. An example of the aforementioned can be taken from the Muslim religion. In this case, prison staff are obliged to satisfy the requests of detainees of the Islamic faith, in particular during the period of Ramadan. Thus, the prison personnel must adequately provide for the appropriate preparation and distribution of food, facilitate the entry of accredited Muslim clergy and allow for the exercise of the most important religious practices during the period of Ramadan.

7.2 Exercise of consular protection

151. The Ministry of Justice recently reminded all decentralized offices that, according to article 36 of the Vienna Convention ratified by Law 804/1967, consular authorities must immediately be informed of the arrest and/or detention of foreign citizens, in order that they may visit their nationals placed in detention. This should occur at the request of and in agreement with the person concerned. The Ministry of Justice reminded the offices that delays in such communication should not occur.

152. Whenever the authorization for a consular visit comes under the jurisdiction of the judicial authority, the latter must immediately be informed of the request of the detainee; the case should be followed with the maximum urgency, keeping consular authorities informed in a constant and timely manner, both regarding the authorization to visit and the various phases of the procedure.

7.3 Some administrative and economic problems regarding foreign detainees

153. With regard to the administrative and economic position of foreign detainees, recent initiatives carried out by interested ministries (Ministry of Justice, Ministry of Finance), in strict and direct collaboration with the concerned penitentiary institutions, deserve mention.

154. From an administrative standpoint, the management of the above-mentioned penitentiary institutions expressed their concern regarding their ability to ensure that foreign detainees from countries not belonging to the European Union would be provided with the opportunity to work. This was due to the failure on the part of the decentralized Direct Taxes Offices to provide copies of the tax code to those who do not hold a valid identity document and a regular residence permit. In order to overcome such an impediment and to allow, inside penitentiary institutions, treatment favouring immigrant detainees, the competent institutions underlined that the release of the tax code should not be conditional on having the above-mentioned documents. As a result of this intervention, the Ministry of Finance announced that the tax code could be released to non-EU internees and detainees without a residence permit as the detention status is in itself a condition of obligatory residence. The director of the institution or a delegated person can overcome the lack of a valid identity document by requesting the tax code on behalf of the detainee. Such a request must be accompanied by a certificate from the prison directorate,

including personal data on the detainee and stating that due to the fact that he/she finds himself/herself in a condition of detention following due process and sentencing his/her identity was established by the judicial authorities.

155. Furthermore, it should be highlighted that the Ministry of Finance brought its own opinion into line with that previously expressed by the Ministry of Labour and the Ministry of the Interior with respect to the analogous problem faced by foreign detainees who could make use of alternative detention measures but did not hold a valid residence permit. In circular No. 691858 of 23 March 1993, it is specified that a residence permit is not needed for non–EU internees and detainees who are allowed to work outside prison as an alternative measure. The competent labour offices will release a special permit for apprenticeship, valid solely for the duration of these activities.

156. Yet, from an economic standpoint, issues arose with regard to asset liquidity for foreign detainees. Foreign detainees who, once released, went back to their country of origin or moved to a third country faced difficulties in receiving their own money, which at the time of release from the institution was not liquid.

157. On this subject, some guidelines, particularly interesting for their content, have been elaborated. First of all, the foreign prisoner about to be released and to whom non-payable sums have to be given, for any reason, at the time of release could be invited to indicate his/her domicile abroad, and notified that sums that had still to be remitted would be sent to that address by means of an international money order. Where the prisoner does not want or cannot accept this proposal, he/she could be requested to designate as addressee of the payment the consul of his/her own country in whose consular district the institution is included. Indeed, if there are no obstacles, when the amount of money to be remitted to the prisoner is determined and available, the directorate of the institution will provide for it to be forwarded retaining the expenses for the international money order from the sums pertaining to the prisoner. If the prisoner is unwilling to accept the aforementioned proposals, he/she will be made aware of the difficulties that will inevitably arise in the payment of the sums and of the fact that the defence counsels eventually appointed will have no obligation to accept the payment in the name of and for the same prisoners. Finally, the entire procedure has to be formalized through a written statement in both relevant languages, to be signed by the departing prisoner.

8. Entry and residence of non-EU nationals

8.1 In general

158. Referring to the procedures for foreign nationals to enter and reside on Italian territory, of great importance is the substance of Law 1998/40. Article 13.4 of the Law stipulates that all measures regarding the entry, residence or expulsion of a non-EU citizen have to be adequately motivated and notified to the person concerned in a language he/she knows, together with an indication of the reason. Administrative expulsion is ordered for reasons related to public order and State security. In addition, article 11.5 provides for the creation, at border crossings, of reception services to furnish assistance and information for foreigners wishing to submit a request for asylum or entry to Italy for a period of stay longer than three months.

159. In the field of the entry and residence of foreigners, of particular relevance is the "Testo Unico" adopted by Law Decree No. 286 of 25 July 1999, which compiles in an Organic way all measures concerning immigration and the norms governing the entry of non-nationals, including Law No. 40 of 6 March 1998.

160. The primary and fundamental objective of the set of rules under examination is to govern the complex phenomenon of immigration favouring the integration of Italian and foreign citizens by means of a unified framework of reference for the rights and duties of individuals. In particular, the rules regulate the entry and residence of foreigners by stipulating the requirements for a lawful presence on the territory, thereby aimed at the curtailment of illegal migratory flows.

161. Among the most relevant novelties of the new rules, the provisions codified in Title IV of the law, concerning the recognition of the right to family reunification with special attention to the protection of minor children, have to be stressed. In compliance with the international conventions on the subject, the rights of residence for humanitarian or social protection-related reasons are also guaranteed.

162. Specific measures are also foreseen for the protection of certain categories of particularly vulnerable persons such as the victims of criminal organizations, or juveniles released from detention centres because of their active repentance, in order to encourage their collaboration with the police authorities in combating criminal activities.

163. Another primary objective of the normative provisions under examination is that of ensuring the control of the entry of non-nationals through precise regulation of migratory flows.

164. Finally, concerning more strict application of the aforementioned Law 1998/40, the provisions codified in articles 41 and 42 have to be stressed. These constitute a relevant innovation in the field because they provide for specific measures to counteract racial, ethnic, national or religious discrimination. The first of these provisions - after having given a precise and complete definition of a discriminatory act as behaviour causing exclusion, distinction, restriction or preference in the enjoyment of human rights and fundamental freedoms of the individual in every sector of social life, both public and private - delineates a series of actions identifying the discriminatory act. Then, in case of verified violations, the judicial authority, upon a petition of the party discriminated against, has at its disposal a range of particularly incisive powers directed not only to the immediate cessation of the prejudicial behaviour, but also to the removal of the effects of the discriminatory conduct. For this purpose, procedures for the urgent and speedy pronouncing of such judgements have been foreseen. Moreover, to strengthen the protection of the persons discriminated against it is provided that non-compliance with the obligations imposed through decisions issued by the judicial authority on the matter is sanctioned by penal law with imprisonment for up to three years (article 388 of the Penal Code).

165. Some specific provisions aim to prevent discriminatory acts in the employment sector, also foreseeing sanctions of an economic nature against farm managers to whom such conduct is ascribable, such as the loss of economic benefits given by the State or the temporary exclusion of the farm from tenders for contracts. To combat the phenomenon even more effectively and to provide a counterweight to the economic imbalance between employer and employee, it is also expressly stipulated that the local representatives of most representative trade unions at the

national level may proceed against collective discriminatory behaviour carried out by the employer, even in cases in which such conduct does not immediately and directly prejudice the rights of the employee.

166. The establishment by the regions, in collaboration with other local entities, of observatories, information centres and legal assistance to prevent the rise of discriminatory conduct against foreigners is foreseen. To guarantee equal opportunity of entry to non-nationals, reception centres have been foreseen to host those individuals temporarily unable to provide on their own for their accommodation-related exigencies. The principle of access both to social accommodation and to the lists for the assignment of public housing is also established. In addition, public and private institutions may convert, using regional contributions, out-of-use buildings into accommodation for foreigners for short periods or with a rental contract.

167. In relation to the problematic issues related to manifestations of racial intolerance, in 1998 a decrease in the number of incidents of racism, xenophobia and anti-Semitism was recorded. In this context, some events occurring during the year have acquired particular relevance. On 29 November 1999 on the occasion of the football match "Lazio-Roma" inside the Olimpico stadium, a limited number of supporters of one of the teams exhibited some banners offensive to the Jewish community; these were immediately removed by the police agents who promptly intervened.

168. Together with their numerical decrease, a lessening of the seriousness of racism-related crimes has been registered. In fact these have mostly been cases of injuries caused by the use of unlawful arms during lively altercations. Then, in episodes classified as attacks but directed against things, not individuals, modest quantities of inflammables have been used with little consequent damage; in only one case was it demonstrated that a modified, military explosive device was used.

169. Repression of acts of political or racist intolerance has resulted in a total of 29 arrests, 22 searches and 128 accusations. This positive picture of the state of the matter is the result of the efforts of the police authorities and of the efficacy of the legislation against all forms of racial discrimination (Law No. 205 of 25 June 1993). In fact, these norms address, inter alia, both the spread of ideas based on racial or ethnic hatred and incitement to commit discriminatory acts. Moreover, Law No. 205 has enabled opportune intervention where there is reason to suspect the formation of racist organizations, or against extreme right-wing groups that use, directly or indirectly, racist propaganda.

8.2 The integration process of migrants

170. Of relevance are the measures contained in Title V of Law 1998/40 concerning the social integration of foreigners lawfully residing in Italy, such as the right of access to health structures and medical assistance, to housing, and to other social services of which the non-national can take advantage.

171. At the social integration level, to be pointed out are specific measures for this purpose, such as language and professional training courses, the establishment of a council for foreigners'

problems together with the creation of a national coordinating unit, and all measures aimed at favouring the continued presence of foreigners in the territory, in the same conditions as citizens.

172. Referring in more detail to national, regional and local councils, Law 1998/40 proceeds, within the framework of the progressive integration of immigrants, on the basis of the contents of the previous Law 1986/943: in both legislative texts the need has been underlined to promote procedures for the involvement of non-nationals in representative bodies such as cultural and trade union associations, both mixed and composed only of foreigners, aiming at supporting, by the means at their disposal, not only integration in its initial stages, but also the organization of cultural, educational and social initiatives (in this regard, the Law provides for the establishment, by prefectures and local autonomies, of local immigration councils with their own regulations and agents, working in coordination with the municipal councils to plan the integration policies, promote interventions at the health and education level, encourage and monitor positive actions, spread information on the social conditions of immigrants and on the difficulties they encounter in the integration phase).

173. As concerns the above-mentioned national coordinating body for social integration policies of foreign nationals at the local level, it has to be specified that it was established at the National Committee for Economy and Labour (CNEL) on 10 December 1998. Its task is to follow and sustain the development of local reception and integration processes concerning non-nationals, their representation and participation in public life; promoting, to this end, cooperation between institutional and social entities at the local level, in the light of significant local realities in other European countries, with the aim of determining effective paths and models of intervention. Its approach is two-pronged: at the institutional level (regions, provinces and, above all, municipalities, major social services, provincial education offices, provincial labour offices, INPS, ASL (local health offices)) and at the social level (trade unions, employers' associations, voluntary organizations and associations of representatives of non-nationals). The methodology of work has allowed, during the first months of 1999, for cooperation among local and national groups.

174. The immigrants' integration process is also facilitated, according to the provisions of Law 1998/40, by simplified administrative procedures (residence permit and carte de séjour, family reunion, recognition of educational qualifications, registration at the registry office, at the INPS, at the National Health Service (SSN)) and the creation of the so-called "united desk" (sportello unico): interesting results have been achieved at the local level in towns such as Padua, Brescia (establishment of a municipal office for non-nationals), Florence, Rome (creation of a committee at the municipal councillor's office for social affairs) and Latina (project "Point of service integrated with the public administration").

8.3 Illegal immigration

175. The geopolitical changes in Eastern Europe and the position of the Italian peninsula in the Mediterranean are two reasons for migratory flows from States of the former Soviet bloc and from the African continent to Italy and through Italy to other European States.

176. The main illegal migratory flows involving Italy originate in three different geographical areas and avail themselves of distinct channels of entry. One flow comes mainly from

South-East Asia and consists of Filipinos, Chinese, Sri Lankans, Indians and, to a lesser extent, Iranians, while a significant increase has been recorded from the Middle East, in particular Kurds. A second area of provenance is Africa, with particular reference to the countries of the Maghreb (Algeria, Morocco and Tunisia), of the equatorial area (Nigeria, Senegal), and of the Horn of Africa (Eritrea, Ethiopia, and Somalia). A third group of clandestine immigrants come from Eastern Europe and move towards the West, hoping to achieve better conditions of life and work. Even though they are comparatively few, there are also illegal immigrants from South America, in particular from Brazil, Peru and Uruguay.

177. Because of the situation in the former Yugoslavia and Albania, the route taken by illegal immigrants has changed. Traditionally, the provinces of Trieste and Udine represented the entry way for immigrants coming from the East and, often, even from Asia. Nowadays, the main entrance is the Apulian coast (in particular from Otranto to San Cataldo) for arrivals from China, Albania and, more usually, from south-east Europe, and the Calabrian (in particular the littoral from Crotone to S. Gregorio di Reggio Calabria) and Sicilian coasts (in particular Lampedusa and Pantelleria) for illegal immigrants from Africa. The Apulian coast has effectively become the favoured ports for the landing of illegal immigrants of different nationalities, coming from the Albanian coast. These concentrate in the area of Valona (Albania) where they stow away on powerful and capacious motorboats belonging to criminal organizations and land on the Apulian coast, especially on the stretch of coast between S. Cataldo di Lecce and Otranto. Intermediaries of the aforementioned organizations, with cars, transfer the immigrants to the railway stations of Bari, Taranto and Lecce for their departure for other regions of Italy or for Central European countries. The operational arrangements between the parties are frequently mediated by Albanians residing in Italy and by individuals belonging to Apulian criminal gangs.

178. Many illegal entries occur across land boundaries, often through impervious areas, and across sea and air borders by means of false or forged identity documents. There have been signs that fictitious tourist journeys are organized with the purpose of allowing illegal entry to the Schengen area by groups of illegal immigrants of different nationalities.

179. In July 1998, an investigation discovered a particularly sophisticated method for the introduction of illegal immigrants into Italy. That activity was carried out by means of a merchant ship, flying the Saint Vincent flag, used for lawful trading, as a consequence of which it berthed in various Mediterranean harbours; during this time, the composition of the crew underwent modification, individually justified as normal turnover. The purpose of these changes - which each time involved five or six members of the crew - was to take aboard non-EU nationals, all Sri Lankans, who were afterwards illegally disembarked in Italian ports, where they had contacts. The initial results of the investigation appear to show that the shipowner, of Greek nationality, is involved in the illicit traffic.

180. The phenomenon of illegal immigration of Albanians has evolved radically over time, changing from a mass movement in the spring and summer of 1991, to more sophisticated forms. To emigrate illegally, they often have resort to organizations specialized in the field and actively operating in Albania. The investigation appears to reveal the existence of links between the aforementioned Albanian criminal structures and elements from Italian criminal organizations, in particular from the areas of Brindisi and the Salento. Only recently have investigating activities revealed (Operation "Ande", Operation "Santa Clause") for the first time that the "Nuova Sacra

Corona Unita" is involved in the traffic of illegal immigrants. As a corollary to immigration, a big increase has been verified in the smuggling of marijuana, produced in Albania, of arms, and of women for prostitution. Related to this, it has to be mentioned that an investigation, concluded on 28 November 1998 after one year of intense enquiry, ascertained the existence of strong links between Italian and Albanian organized crime in the trafficking of numerous illicit items such as drugs (especially marijuana) arms, and laundering of the proceeds of those illegal activities. By the means of this police operation, named "Tulipano" and carried out by the group "ROS" of the Carabinieri, a criminal organization, established by the Sacra Corona Unita, has been dismantled; the said organization carried marijuana, disembarked on the coasts of the Salento area by the Albanian mafia, to Amsterdam; in all, 20 persons have been arrested in Italy, the Netherlands and Germany, and hundreds of kilogrammes of drugs seized.

181. Significant also is Operation "Amarildo" carried out by the State Police. As a result of this operation three series of orders of preventive custody were issued in November 1997 and April and June 1998 against Italian and Albanian citizens held responsible for criminal association, drug trafficking, clandestine introduction on the national territory, kidnapping, exploitation of prostitution and other criminal activities.

182. Among the relevant investigations concluded by the State Police against Italian/Albanian criminal associations engaging in illegal immigration and other activities, worthy of mention are Operation "Thunder Race" (Lecce, June 1998) and Operation "Cami" (Ancona, December 1998) which, together with many other investigating activities, throughout the entire national territory, demonstrated the geographical extent of a criminal phenomenon by now present in numerous regions, especially in the north and in the centre.

183. Relating to the illegal immigration of Chinese labour directed towards Italy, the most used route is that of Albania with disembarkation in Puglia for subsequent shunting to central and northern Italy and other EU States.

184. Trafficking in persons has been the subject of various initiatives, both legislative and other. At the legislative level, in the Statute of the International Criminal Court adopted by the Rome Conference in July 1998, the crime of trafficking was included as a specific element of the crime of enslavement, thanks to the intense work of the Italian Government. This led the Italian Government to approve on 9 March 1999 the draft law "Measures against trafficking in persons", at present under examination at the Chamber of Deputies, which introduces in the Penal Code the new crime of trafficking in persons as a modern form of slavery punishable by 5 to 15 years of imprisonment. The definition of traffic includes both the trade aimed at sexual exploitation (prostitution and domestic sexual slavery) and forced labour, involuntary servitude and other forms of slavery.

185. The question cannot be faced only in a repressive way: it is first of all a matter of acknowledging and protecting the human rights of the women involved, rescuing them from the traffickers. For this reason the Department of Equal Opportunities has obtained the inclusion, in the Immigration Law No. 40/98, of a norm protecting the victims of trafficking. Article 18 of the said Law allows the grant of a six-month residence permit, renewable for social protection reasons, to those persons who want to escape from traffickers. This permit can be given not only to women denouncing and witnessing, but to all those women in danger for attempting to escape

from the exploitation of the criminal group and for taking part in an assistance and social integration programme run by NGOs or local entities. During this period the person can find a job and regularize her own position, deciding to remain in Italy if she so wishes. This result has been possible thanks to the establishment of an Inter-ministerial Commission chaired by the Minister of Equal Opportunities and the Minister of Social Solidarity, comprising the Ministries of the Interior, of Justice, of Foreign Affairs, the General "antimafia" Attorney, and Catholic and lay associations with proved experience in the sector.

186. Elements showing the organized administration of clandestine freight can also be deduced from the analysis of the difficulties (technical, logistical and administrative) which the immigrants encounter and which could not be overcome without having recourse to the "assistance" of specialized associations.

187. From the results of some police operations aimed at highlighting the phenomenon, it emerges that often illegal persons upon their arrival on the national territory find persons with links to criminal gangs that integrate them in illegal sectors (drug pushing and trafficking, prostitution, crimes against the State) or reduce them to conditions close to slavery, obliging them to work, in total contravention of all protection rules in illegal laboratories.

188. In this regard, the results of Operation "Gladioli Rossi", carried out by the State Police in May 1998, appear to be typical; this operation disclosed a widespread Chinese mafia-related organization, actively operating in Tuscany and devoted to the support of illegal immigration and extortion, robbery and other crimes.

189. Among the other foreign criminal gangs with an interest in illegal immigration are the Nigerian and Romanian ones both particularly active in the organization of migratory flows aimed at increasing the prostitution market, from which they make enormous profits, and the Turkish associations, considerably involved in the organization of illegal travel towards our country, the execution of which is usually subcontracted.

190. It should not go unmentioned that the condition of clandestinity in itself, which prevents the integration of clandestines in the legal labour market, enlarges the marginal social belts from which the pool of delinquent unskilled labour is drawn and, in any event, facilitates the contact, more or less voluntary, with deviant fringes or criminal organizations.

191. An indicator of the involvement of non-EU citizens in the illicit sectors can be drawn from data in the Department of Public Security files; in particular, these data mainly concern reports of non-custodial indictments and arrests.

192. Since 1990, criminality among non-EU citizens has recorded an almost uniform increase, although in 1997 this trend came to a positive standstill, with a decrease of 19.75 per cent in the number of reports of indictments or arrests (117,471 against 146,380 in 1996), but increased again in 1998 (167,232 reports, equivalent to a 42.36 per cent increase compared with 1997); however, the comparison between 1998 and 1996 underlines a biannual increase of 14.25 per cent). Comparison of the data for the first semester of 1998/99 substantiates this trend.

193. Concerning the nationality of the non-EU citizens indicted, there was a predominance of Moroccans (20.18 per cent) in the first semester of 1999, Albanians (14.63 per cent), Romanians (9.63 per cent), Tunisians (7.38 per cent), Yugoslavs (7.13 per cent), Algerians (5.78 per cent), Nigerians (3.91 per cent) and Senegalese (3.38 per cent).

194. A close examination of the CED reports for non-custodial indictments and arrests of non-EU citizens, relating to some of the most frequent or serious cases, underlines, both for 1998 and for the first semester of 1999, the pre-eminence of: violations of the laws on foreigners (31,112 CED records in 1998 and 14,641 in the first semester of 1999); of thefts (25,324 and 13,113); of drug-related crimes (16,085 and 8,214). During 1999, there has so far been a substantial increase in fraud in general (+65.18 per cent) and in the receiving of stolen goods.

195. A comparison of 1997 and 1998, shows a substantial increase in non-compliance with the set of rules on foreigners (+1,131.18 per cent), as a consequence both of the entry into force of the new law and of the inexhaustible and prodigal engagement of the law enforcement authorities in the specific field. The comparison of data relating to 1999 with those of the analogous period of 1998, shows a major involvement of non-EU citizens in episodes connected to fraud in immigration (+81.57 per cent) and to fraud in general (+65.18 per cent), as well as in deceits (+40.84 per cent), at least in part attributable to attempts of fraudulent exploitation of the new set of rules for the regularization of non-nationals. An appreciable increase in culpable homicides (+20.70 per cent) has also been recorded. During the first half of 1999, the regions where the total number of reports filed against non-EU citizens was shown to be more significant were Lombardy, with 15,989 reports for indictment and 4,611 for arrest; Piedmont, with 9,918 and 2,869; Emilia Romagna, with 6,794 and 1,690; Latium, with 4,816 and 3,360; Veneto, with 5,683 and 1,278; Tuscany, with 5,108 and 1,601; and Liguria, with 4,598 and 950.

196. The percentage of non-EU citizens in the entire prison population is increasing in a constant way, going from 17.63 per cent in 1995 to 23.52 per cent in 1998. As of 5 July 1999, there were 13,779 non-EU prisoners, equal to 24.90 per cent of the entire prison population, with a predominance of Moroccans (3,178), Tunisians (2,177), Albanians (1,905), Yugoslavs (1,384), Algerians (1,164), Romanians (492), Colombians (420) and Nigerians (339). The provinces with the highest number of non-EU citizens among prisoners are: Rome (1,591), Milan (1,318), Florence (704), Turin (606) and Genoa (512). A cross-check among data concerning non-EU citizens indicted and arrested during the first half of 1999 and those regarding those with valid residence permits as on 31 January 1999 has shown that, among 42,969 non-EU citizens denounced and 13,421 arrested, 36,503 (84.95 per cent) and 11,914 (88.77 per cent), respectively, were illegal persons. In any case, this is an approximate figure because it is the result of a comparison between a periodic recording (referring to the entire semester) and a specific observation (referring to the situation at a specific date). Of greater importance is the comparison among data concerning non-EU prisoners and residence permits: both are specific data, even if available with reference to different dates. From this it emerges that, of a total of 13,779 non-EU nationals detained as on 5 July 1999, 12,499 of them were not among the holders of a valid residence permit as of 30 June 1999, with the number of illegal persons detained equal to 91.71 per cent of the entire non-EU prison population. In 1998, 43,843 orders of expulsion were issued and 10,275 non-EU citizens were effectively expelled; during the period January-June 1999, there were 15,591 notifications to leave the national territory and 3,797 expulsions.

197. It should be mentioned that the aforementioned data can have an important effect on tolerance and the peaceful coexistence of Italian citizens and foreigners, especially in those areas where a high concentration of non-EU nationals without a regular residence permit has been recorded.

198. Moreover, it must be remembered that if illegal immigrants frequently are responsible for illicit conduct, the majority of them are, at the same time, victims of the marginalization in which they are obliged to live. In fact, as already mentioned, since their entrance into Italy, they find themselves in a condition of strong dependence on those who facilitated their arrival. So, on the basis of their ethnic origin, they are directed, frequently by persons of the same nationality, towards well defined sectors in which there have been established situations similar to a "monopoly". For example, it has been ascertained that illegal immigrants from China have to pay around 30 million lira for their travel to Chinese criminal organizations; frequently, this sum is advanced by the said associations and reimbursed by means of black-market labour and activities in conditions of exploitation at restaurants, handicraft workshops and clothing factories (with shifts that often reach 12 consecutive hours of work in unhealthy environments) for periods of up to three years, during which the illegal immigrants are deprived either of their passport or their personal liberty. As for African illegal immigrants, in particular Senegalese and Moroccans when not integrated in the ambulant market of goods of dubious origin, they remain, in some geographical areas, victims of episodes of illicit intermediation of labour (caporalato), with the payment of ridiculously low wages. The phenomenon, mainly in areas of central and southern Italy, is particularly strong in the agricultural sector and it is amplified during springtime and summertime for the fruit and vegetable picking.

199. Particularly hideous, also for its social implications, is the phenomenon of exploitation of prostitution which constitutes the chief specialization of those organizations recruiting foreign women from Central Africa and the Balkans on the pretext of offering them the possibility of a regularly remunerated job in our country. At this stage, the criminal group concerned manages both the entry into the national territory, for which service compensation is demanded, and the subsequent coercion of the victims to prostitution, after having deprived them of their personal documents and of anything else that could make them autonomous. The subjection phase, sometimes assimilable to slavery, has different connotations according to the nationality of the victim (thus, while Nigerian women are frightened by threats of voodoo rites, women from eastern Europe are repeatedly raped and forced to prostitute themselves). In this respect there is an increasing danger from Albanian criminal groups specializing in the prostitution racket, who make use of violent and cruel methods. The close control carried out by their exploiters at the place of work and the coercive methods, characterized by extreme violence, make it difficult for women to escape prostitution.

200. Some particularly significant episodes are described below:

- Venice - 15 February 1998. Further to an altercation for trifling reasons, an Italian ill-treated a Moroccan, using racist phrases. The Carabinieri arrested the aggressor;

- Milan - 1 March 1998. A caravan, not part of any "transit camp", used as a dwelling by a nomad family, was set on fire by unknown persons. Nobody was injured. The investigators did not exclude the possibility that the event was attributable to racial

discrimination, also taking into consideration the recovery, on 20 February, outside a nomad camp not far from the place of the said fire, of a racist leaflet encouraging the commission of crimes against nomads;

- Rome - 25 May 1998. As a result of a complex investigation, code-named "Thor", of a racist and anti-Semitic Italian organization, connected with analogous European associations, the police authorities carried out eight of nine custodial orders issued by the tribunal of Rome against three persons from Rome, one from Milan, two from Latina and two from Tivoli considered, on various grounds, to be responsible for acts of violence and racial intolerance. The ninth individual, nowhere to be found, turned out to be the person financing the Italian racist groups. Within the framework of the same operation, concerning many Italian towns, 171 persons have been indicted and about 90 houses searched;

- Barletta - 13 October 1998. The Carabinieri arrested two Italian citizens considered responsible for attempted murder, with the aggravating circumstance of racial discrimination, of a Moroccan national who, following the beating suffered, has been hospitalized;

- Turin - 21 October 1998. A group of young Italians, after having insulted using racist phrases a Moroccan citizen, threw three Molotov cocktails at him. The victim has been treated and declared curable in 30 days. The immediate investigations carried out by the State Police have resulted in the arrest of three young Italians, all considered to be responsible for the said aggression;

- Bologna - 10 March 1999. In compliance with an order of the judicial authority, the State Police carried out a series of house and local searches against 18 members of a known extreme-right association, "Sezione Bonaccorsi"; some of these searches had already been carried out during penal proceedings in Verona relating to the "Veneto Front Skinheads" group. Further to the house searches, many objects and sidearms, documents and symbols of a Nazi nature were seized. The 18 persons, all Italian citizens, have been denounced to the judicial authority. In the framework of the same investigations, another Italian has been denounced, accused of responsibility for aggression against persons on 19 March 1999. Moreover, the headquarters of the "Korova Milk" organization has been searched and material and documents of relevance found there were seized.

8.4 Expulsion of foreigners – guarantees

201. On the subject of the expulsion of foreigners present on Italian territory, because of the relevance of its substance, a recent sentence of the Supreme Court of Cassation of 23 June 1999 should be mentioned. The Court established the following principle of law: "*Ex* article 11.2 of Law 1998 No. 40, in case of delay in the request for renewal of the residence permit, the expulsion of the non-national is not automatic, but follows only after the examination of the eventual rejection of the said request, *ex* article 5.5 of the aforementioned law, in the occurrence of the situation, there foreseen, of supervening absence of the requisites for residence, of which such delay can constitute an indication (at that stage, there can also be an evaluation, with the

effect of staying the refusal, of positive circumstances such as those linked, for example, to the previous conduct of the applicant, to his/her being established on the territory, to the possession, as in this particular case, of a title for the acquisition of citizenship)". The sentence pays particular attention, in the implementation of expulsion, to the need to protect the personal position of foreigners present on the national territory and to their social integration. It is remarkable that the jurisprudence was invoked in a significant number of sentences, given that, under penal law, and specifically in the sphere of repression of crimes, the number of convictions for the aforementioned crimes cannot be deduced from the statistics, and that civil law, and specifically in the sphere of the protection given, in general, by the regime prohibiting discriminatory conduct does not include sufficient grounds to proceed.

202. From another point of view, another sentence of the Supreme Court (No. 4339 of 7 January 1994) should be mentioned, according to which, the editor of a publication or an author of a comic strip can be held responsible for the offence of instigation to commit a crime if those comics are addressed to football supporters and incite them to batter people in opposing factions, to use scurrilous or racist language or to use force and arms to foment and strengthen patterns of conduct consisting of numerous violations of penal provisions. In regard to this, it should be noted that Parliament is examining a draft law containing new provisions to counter the phenomenon of violence at sporting events.

8.5 The regularization procedure

203. Following the collection of data concerning the requests for regularization submitted in the period 1995-1998 (96 per cent of them, about 246,000, have been accepted), it is not yet possible to know how many persons will be regularized further to the submission of 312,000 requests in 1998, as the examination process is still taking place.

204. Apart from how many persons will be regularized, it seems that, on a national level, the features of the most recent regularization exercise appear to be quite different from the previous one, with an increase in requests of 66.4 per cent in Lombardy and 46 per cent in Veneto, and a decrease in some regions of the south, particularly in Sicily (40 per cent) and in Calabria (61 per cent). It is therefore possible to assume that a redistribution of the areas of irregularity has occurred, compared with relatively slight variations in the presence of regular residents throughout the national territory.

205. Among the southern regions, Campania shows a ratio of irregularity - applications presented on regular foreigners - above the national average but definitely below that of the previous regularization exercise. Also, in the other southern regions the ratio of irregularity is decreasing and it is currently lower than the national average (with the exception of Puglia, besides Campania). The ratios of irregularity are also high in Lombardy, Tuscany and Piedmont. Half of the requests for regularization in 1998 were concentrated in six provinces: Milan and Rome are equal with about 60,000 applications, while Turin, Naples, Brescia and Florence record more reduced values. In 1995 the Lombard capital was in second place, very far behind the national capital. Brescia is in fifth place in the classification, going from 5,000 to around 14,000 requests for regularization.

206. Mostly, Albanians and Romanians apply for regularization; in particular, the number of applications submitted by Romanian citizens is currently double that of 1995, representing over 10 per cent of the total, while requests from Albanians are 18 per cent of the total (they were 13 per cent in 1995). Therefore, Eastern Europe remains the first area concerning applications for regularization. Northern African countries are at a lower level in comparison with their position in 1995; anyway, the number of Moroccans remains significant, being above 10 per cent, while the numbers of Nigerians, Senegalese, Ghanaians and West Africans are increasing. For Asian countries also, the number of requests for regularization is increasing, with the exception of Sri Lanka and the Philippines, whose share has gone from 7.6 per cent (in 1995 these were the Asian countries with the highest number of regularization requests) to 0.9 per cent in 1998. Rather low is the resort to regularization by Central and Latin American immigrants. In this context, the dramatic decrease of Peru, one of the countries which in 1995 resorted more to the regularization procedure, in absolute terms, should be stressed.

8.6 Acquisition of citizenship

207. According to the Italian laws in force, three typologies for the acquisition of Italian citizenship can be identified. In the first, the granting of citizenship occurs automatically, without the persons concerned submitting a specific request. In the other two cases, the foreign national has to submit an application, expressing an explicit wish: on the one hand, there are situations where the acquisition of nationality is subordinated to the sole verification of some objective requisites, on the other hand, there exist more complex typologies where the decision is dependent on a certain amount of discretionary power and citizenship is granted by a competent authority (depending on the cases, the Minister of the Interior or the President of the Republic). Within the typology with automatic effect citizenship is granted to: a foreign minor adopted by an Italian; a foreign minor recognized by an Italian citizen as his or her child; the minor child of a foreign parent who became an Italian citizen. In cases of recognition of Italian nationality upon request, the process consists of a simple verification of the requisites for the descendant of a citizen who chose to live in Italy and, moreover, for a foreign minor who was born and has lived on the national territory and who applies for Italian citizenship at the age of 18. On the other hand, the examination of the request occurs with a certain discretionary power in the case of marriage with an Italian citizen and in the case of "ordinary naturalization", that is to say following prolonged residence of the immigrant in Italy (at least 10 years for non-EU nationals). However, if in the first case there is only verification of previous offences, in the second there is careful evaluation of the degree of integration of the non-national, taking into account also income and the corresponding fulfilment of tax obligations.

208. Taking into consideration only the last two cases, from 1991 to 1998, 53,227 foreigners were granted Italian citizenship: nearly 90 per cent of them acquired Italian nationality following marriage with an Italian (47,651) and a smaller number through naturalization (5,576). During the period under review, a substantial increase in the number of persons granted citizenship was recorded, from 4,158 in 1991 to 9,021 in 1998. In 1998, persons from Eastern European countries, together with immigrants from Central and Latin America had the highest quota of acquisition of citizenship, respectively 33 and 23 per cent. For the EU countries

a reduced number was recorded - a notable decrease compared with 1991 (-46 per cent). In the main, women represent nearly 70 per cent of these new Italian citizens, but the gender distribution is differentiated according to the country of origin, with a strong female pre-eminence for Eastern Europe and Latin America and, on the contrary, a majority of men among the North Africans.

209. In our country, notwithstanding the increase recorded during the 1990s, it can be maintained that the acquisition of citizenship by foreigners remains a limited phenomenon, both in relative and absolute terms. Moreover, in Italy, more than in other countries, marriage with a citizen seems to be the most efficacious tool for the acquisition of citizenship; on the contrary, the resort to naturalization is still low, both because immigration is a recent phenomenon and not many people can satisfy the requirement of prolonged residence, and because it is not always part of the plans of immigrants to stay permanently in our country, and finally because rejection rates of naturalization requests are quite high (generally, they are more than 40 per cent in the years under consideration). To some extent, the acquisition of citizenship represents, in Italy, a sort of recognition granted when the process of integration of the foreigner is almost concluded, through marriage with an Italian or after a long and active period of residence on the national territory, unlike other countries where the recognition of their own nationality is considered as a means for facilitating integration.

8.7 Requests for asylum and refugees

210. In Italy, the refugee phenomenon is still quite limited, although in strong evolution. Many factors have contributed to the marginal role of our country overall in the reception of asylum-seekers, starting from the Italian socio-economic conditions, which, at least till the end of the 1970s, did not attract migratory flows. In addition to this, there is the lack of specific links of an historical, geographic, ethnic or cultural nature with the populations of the areas from which, over time, significant flows of asylum-seekers have originated. The requests for asylum in Italy have never reached high levels if we consider that in the 37 years from 1952 to 1989 only 122,000 applications were received, less than half of those submitted in Germany in 1991. The extremely diversified flows are especially influenced by troubled political circumstances characterizing, from time to time, the areas from which refugee flows originate. The 24,441 requests in 1991, due mostly to arrival of Albanians, drastically diminished in the following years to around 2,000 in 1993 and under 1,000 in 1996. A new increase has been recorded in 1998, a year in which the arrival of Kurdish and Kosovar refugees increased the number of asylum requests: to 11,075, of which 4,068 were from Kurds, mostly coming from Iraq and Turkey, and 3,879 from citizens of Kosovo.

211. Not every request for asylum is satisfied: generally, very few are admitted in a given State after such a request and there is a great disparity in the ratio between refugees and asylum applications in various countries. In Italy asylum applications have now reached 5 to 7 per cent. It should, however, be underlined that in the past few years there has been an increase in the number of refugees admitted amongst those applying (from 16.2 per cent in 1995 to 21.8 per cent in 1998). Throughout 1998, nearly all the applications for asylum were received

in the regions of Puglia, Campania and Sicily. In particular, the highest number of asylum-seekers was concentrated in the provinces of Lecce (2,970), Brindisi (1,419) and Bari (1,284).

212. A particular situation is that concerning Kosovar citizens of Roma ethnicity. Members of this group started arriving in the territory last June and, as from 5 August 1999, they are no longer entitled to temporary protection. They are instead assisted for the period strictly necessary for their identification or expulsion or, where the conditions allow, up to the issuance of a residence permit in the case of applications for asylum, with a special daily allowance of 34,000 Italian lire for a prescribed period (45 days). This is the direct consequence of the fact that the war conditions which were a precondition for the granting of temporary protection, as provided for by the Decree of the Presidency of the Council of Ministers dated 12 May 1999, have ceased to exist. As for repatriations to Kosovo, up to now, these have taken place exclusively on a voluntary basis and, at the moment, no form of incentive has been provided for.

9. Minorities

213. In Italy, particular attention is paid to the issue of protecting members of minorities against all forms of discrimination. This trend is evidenced by the approval of Law 15 December 1999, No. 482, entitled "Norms concerning the protection of linguistic and historical minorities" (*"Norme in materia di tutela delle minoranze linguistiche e storiche"*). The said law is a further valuable instrument for the protection of the linguistic minorities present in our country and constitutes a further step towards implementing article 6 of the Italian Constitution and the international juridical instruments on the subject. The above-mentioned law aims at the protection of the language and culture of the Albanian, Catalan, Germanic, Greek, Slovenian and Croat populations, as well as of groups speaking French, Friulan, Ladino, Occitan, Provençal and Sardinian. The protection provisions refer to the various aspects of civil life and provide for a fundamental role in their implementation to be played by the regions, the provinces and the municipalities concerned, next to that of the State. As for the technical aspects, the relevance of the law is to be found in its function as "framework law". This characteristic allows regions which have already confronted the problem of minorities normatively, to legislate on the subject with a precise juridical framework of reference. In particular, article 13 requires regions with an ordinary statute to conform, as far as the subjects under their competence are concerned, their legislation with the principles established by the law, except for those regional provisions in force providing for more favourable conditions for linguistic minorities. As for regions with a special statute, the procedure is to begin after the assent of the resident population has been obtained through the appropriate consultation procedures.

214. The linguistic minorities that find themselves scattered throughout different regions or provinces can establish consultative and coordination organs which the local authorities have the power to recognize. The law also contains a number of specific provisions regarding culture and teaching. In particular, an important place is given to the public teaching, at the various levels of schooling, of the languages to which protection has been granted and of the related traditional cultures. The law also envisages that universities adopt any initiative, including the creation of language and culture courses, aimed at the facilitation of scientific research and cultural and training activities sustaining the goals of the law itself. Specifically, in the kindergartens of the municipalities indicated in article 3, it is foreseen that the minority language shall be used,

together with the Italian language, for the conduct of educational activities, whereas in primary and first-level secondary schools, the use of the minority language as a teaching tool is foreseen. In order to ensure that the minority language is learnt, primary and first-level secondary schools are empowered to establish modalities for teaching the local minority group's language and traditional culture, on the basis also of requests by the students' parents who, at the time of enrolment, express the desire to avail themselves of the possibility of their children being taught the minority language.

215. Furthermore, the law envisages the possibility that the above-mentioned school institutions, singly or together, broaden the training courses offered for adults. In addition, the educational institutions also have the possibility of adopting initiatives regarding the study of the language and culture of the linguistic minority, in what concerns autonomous research, experimentation and development, and of updating and training the teachers assigned to these tasks. It is also established that the regions and the provinces can provide for the creation of appropriate institutes for the protection of the linguistic and cultural traditions of the minorities protected by law, or in other words, favour the creation of autonomous sections of already existing local cultural institutions. Such initiatives are to be included in the budgetary possibilities of the regions and provinces themselves.

216. Moreover, there exists the possibility for members of collective organs of using the protected language in the activities of such organs in the municipalities encompassed by the territorial scope of application of the law. That possibility is also provided for the councillors of mountain communities, and of provinces and regions whose territories encompass municipalities in which the protected language is recognized and which collectively constitute at least 15 per cent of the population concerned.

217. In any event, an immediate translation into the Italian language is provided when one or more members of the above-mentioned collective organs declare their ignorance of the protected language. It is also established that, when measures destined for public use are edited in the two languages, only the measures and deliberations edited in Italian will have juridical effect. Notable also is the provision enshrined in article 9, allowing, in the municipalities concerned, the oral and written use of the protected language in the offices of the public administration. On the basis of that provision, the public administrations must guarantee, by means also of agreements with other bodies, the presence of personnel capable of responding to the queries of the public in the minority language, so as to render effective the possibility of using the language in question.

218. There then follow provisions regarding issues relating to place and personal names which allow, in particular, for the adoption, after deliberation by the municipal council, of place names that conform to local customs and traditions, together with the official ones. Concerning the question of personal names, citizens whose surnames or names have been modified prior to the entry into force of the law, or who were prevented from having their baptism-name in the minority language, are recognized the right to obtain, on the basis of adequate documentation, the restoration of their names to the original form, with effect also for their descendants, whether minors or adults, albeit, in the case of the latter, the consent of the person in question is required. The right described above is granted to citizens who, besides being members of a minority recognized by law, reside in the municipalities encompassed by the territorial scope of application of the law. Measures of protection are also foreseen in the field of the media and

information. In particular, it is established that, in the convention between the Ministry of Communications and the licensee society of the radio-television public service, conditions shall be ensured for the safeguarding of the linguistic minorities in the areas of appurtenance. Moreover, such conventions should be capable of being stipulated by the regions concerned, in addition to specific agreements with local broadcasting agencies, for the realization of journalistic and other programmes in the languages granted protection by law as regard both radio and television regional programming.

219. Furthermore, regions and provinces where one of the linguistic groups protected by law is present, as well as the municipalities within those provinces, are guaranteed the possibility of determining, on the basis of objective criteria, measures allowing for the publishing industry, for the print media and for private radio and television broadcasts to use one of the protected languages. Analogous provisions can be introduced also for recognized and well-established associations on the territory having, as an aim, the protection of linguistic minorities.

220. Also provided for is the promotion, on the basis of apposite conventions and in conditions of reciprocity with foreign countries, of the development of the protected languages and cultures which are common abroad, in the event that the citizens of the communities in question have maintained and developed their original sociocultural and linguistic identity. Moreover, the promotion by the Ministry of Foreign Affairs is envisaged of adequate agreements with other States in order to ensure favourable conditions for Italian-speaking communities present on their territory and to disseminate abroad the Italian language and culture, by establishing, in addition, that the Italian Republic favours transboundary and interregional cooperation, including in the ambit of programmes of the European Union.

221. There is also considerable regional legislation in the domain of the protection of linguistic minorities. The strong commitment of autonomous regions and provinces, as well as that of regions with ordinary statutes, has found concrete expression in the respect and valorization of the cultural and linguistic heritage of the minorities present on the territory, at times through statutory provisions. To be noted are the following regional laws enacted between 1997 and 1999 concerning the protection of linguistic minorities of ancient settlement present in the various regions. They are additional to numerous other legislative instruments issued in preceding years.

Legge della Regione Valle d'Aosta 19 Agosto 1998, n 47: "*Salvaguardia delle caratteristiche e tradizioni linguistiche e culturali delle popolazioni Walser della Valle del Lys*" ("Safeguard of the linguistic and cultural characteristics and traditions of the Walser populations of the Lys Valley");

Legge della Regione Valle d'Aosta 7 Dicembre 1998, n 54: "*Sistema delle autonomie in Valle d'Aosta*" ("Autonomy system in Valle d'Aosta");

Legge della Regione Piemonte 14 Maggio 1997, n 37: "*Modifiche ed integrazioni alla legge regionale 10 Aprile 1990, n 26*" ("Amendments and integration to the regional law 10 April 1990, No. 26"). The said law aims at the protection, promotion and valorization of the knowledge of the linguistic heritage of the Piemonte Region;

Legge della Regione Molise 14 Maggio 1997, n 15: "*Tutela e valorizzazione del patrimonio culturale delle minoranze linguistiche del Molise*" ("Protection and valorization of the cultural heritage of the linguistic minorities of the Molise Region");

Legge della Regione Basilicata 3 Novembre 1998, n 40: "Norme per la promozione e tutela della comunità Arbereshe in Basilicata" ("Norms for the promotion and protection of the Arbereshe community in the Basilicata Region");

Legge della Regione Sicilia 8 Ottobre 1998, n 26: "Provvedimenti per la salvaguardia e la valorizzazione del patrimonio storico, culturale e linguistico delle comunità siciliane di origine albanese o delle altre minoranze linguistiche" ("Provisions for the safeguard and valorization of the historical, cultural and linguistic heritage of the Sicilian communities of Albanian origin and other linguistic minorities");

Legge della Regione Sardegna 15 Ottobre 1997, n 26: "Promozione e valorizzazione della cultura e della lingua della Sardegna" ("Promotion and valorization of the culture and language of Sardinia").

222. It should also be noted that, through Law 23/4/1998, No. 129, the Italo-Croatian Treaty on Minorities, signed in Zagreb on 5 November 1996, has been ratified. The preamble to that treaty expressly recalls the Framework Convention for the Protection of National Minorities and many other treaties concerning the protection of human rights and of minorities. Moreover, the treaty establishes, in article 8, norms for the protection of the Croatian-speaking minority which, in ancient times, settled in the Molise Region.

(a) The Slovenian minority

223. The process of enactment of a law for the all-inclusive protection of the Slovenian minority has made a further step forward with the preparation of a unified document (*Testo Unificato*) of proposed draft laws on the matter. The unified document, initiated by Deputy Caveri and others, is entitled "Provisions for the protection of the Slovenian linguistic minority in the Friuli-Venezia Giulia Region" (A.C. 229 e abb.) ("*Norme a tutela della minoranza linguistica slovena della Regione Friuli-Venezia Giulia*").

224. The above-mentioned text is presently before the first Commission of Constitutional Affairs of the Chamber of Deputies and aims at the realization of effective protection of the Slovenian minority by prescribing norms concerning the use of the minority language in relations with the Public Administration and in the activities of elective bodies, and by regulating issues relating to teaching and the school system. The normative text also envisages provisions concerning place names and personal names and other issues regarding the protection of the cultural and artistic heritage of the Slovenian minority and its social and economic interests.

(b) The Ladino minority

225. As explained on the occasion of the previous updating of the Report, four constitutional law proposals for the protection of the Ladino minority, unified in a single draft law, have been presented before the Chamber of Deputies. The single text was approved by the Chamber of

Deputies on 28 May 1998 and is presently under consideration before the Senate (A.S. 3308). The text aims to guarantee access to the Presidency of the Regional and Provincial Councils of Bolzano to a representative of the Ladino linguistic minority and provides for him/her to be represented at the Regional Board. Moreover, the above-mentioned draft constitutional law introduces specific norms of protection for the Ladino linguistic group residing in the province of Trento. The latter norms provide for a different level of protection compared to those that are to be applied to the group residing in the province of Bolzano.

226. In the mean time, the following implementing provisions for the protection of the Ladino linguistic minority have been enacted:

Legislative Decree 2 September 1997, No. 321 *"Norme di attuazione dello Statuto speciale della Regione Trentino Alto Adige recante modifiche ed integrazioni al Decreto legislativo 16 dicembre 1993, n 592, in materia di tutela delle minoranze linguistiche in provincia di Trento"* ("Implementing provisions of the Special Statute of the Trentino Alto Adige Region modifying and integrating Legislative Decree 16 December 1993, No. 592, concerning the protection of linguistic minorities in the province of Trento").

Legislative Decree 15 December 1998, No. 487, *"Norme di attuazione dello Statuto speciale della Regione Trentino Alto Adige recante modifiche al decreto del Presidente della Repubblica 2 novembre 1973, n 691, in materia di iniziative per la ricezione di programmi radio-televisivi in lingua ladina e di altre aree culturali europee"* ("Implementing provisions of the Trentino Alto Adige Region modifying the Decree of the President of the Republic of 2 November 1973, No. 691, concerning initiatives for the reception of radio-television programmes in Ladino and in languages of other European cultural area").

Legislative Decree 8 September 1999, No. 344, *"Norme di attuazione dello Statuto speciale della Regione Trentino Alto Adige recanti modifiche al decreto legislativo 16 dicembre 1993, n 592, concernenti le scuole situate in località ladine"* ("Implementation norms of the Special Statute of the Trentino Alto Adige Region modifying Legislative Decree 16 December 1993, No. 592, regarding the schools situated in Ladino areas"). The aforementioned norms provide for the use of the Ladino language, together with the Italian language, as the teaching language in primary schools situated in Ladino areas. Moreover, the said provisions establish the recognition of absolute precedence, in the procedures of hiring, employment and mobility, in the above-mentioned schools, for teaching personnel capable of proving knowledge of the Ladino culture and language.

10. The Roma presence in Italy

10.1 Outline of the historical origins of the Roma presence in Italy

227. In order to adequately introduce the issue of respect for the principle of non-discrimination and protection of the gypsy population who have arrived, in recent times, in

our country, it is first necessary to attempt to elaborate an historical reconstruction of the immigration phenomenon of which this group is the main actor and which is characterized by non-homogeneous geographical, social and cultural elements.

228. As indicated by the use of the Romany language, which derives from Sanskrit, what is certain is that the group is of Indian origin; the first migrations, during the Middle Ages, were towards the territories of Iran and of the Byzantine empire and, in a second wave, towards the European and American continents, triggering a clear-cut distinction between two main groups of gypsies: Roma and Sinti.

229. The presence of these two groups on Italian territory dates back to the end of the fourteenth century when they were to be found on the central and southern coasts of the Adriatic Sea together with displaced Croatians, Kosovar refugees, Albanians and Greeks, as a consequence of the victory of the Ottoman army in the battle of Kosovo (1392). It was only at the start of the following century that there began to be acts of discrimination against the gypsy population on the part of the governmental authorities of some European countries, including Italy.

230. It is estimated that the gypsy population presently on the Italian territory numbers approximately 120,000 individuals, 80,000 of whom are of Italian nationality; the remaining 40,000 are extra-Community citizens coming, in the main, from the territories of the former Yugoslavia (Kosovo, Macedonia, Montenegro, Serbia), and European Community citizens of French and Spanish origin. Only about 30 per cent of the total gypsy population are at present characterized by nomadism, whereas the remaining 70 per cent have already been sedentary for several decades or are in the process of becoming sedentary.

231. The heterogeneity and complexity of the gypsy communities are factors that have to be taken into particular consideration in order to elaborate a picture of the processes of reception and integration of the group, on the basis of membership of a specific ethnic group, the period during which the immigration process has taken place and the final place of settlement. Having said this, it is possible to identify the groups currently living in Italy:

(a) The jouster Sinti ("*Sinti giostrai*"): this group, the first to immigrate, has different names according to the region of settlement (Sinti Marchigiani, Sinti Emiliani, Venetian Sinti, Lombard Sinti, Sinti Piemeontesi, Gacne Sinti or German Sinti); their culture is strictly speaking semi-sedentary;

(b) The Roma of central and southern Italy: this group arrived in our country during the second half of the fifteenth century and this group which is sedentary in nature also can be subdivided according to their territorial dispersal: Rom Abruzzesi, Rom Molisani (the latter group can also be found in the north of the Puglia and Campania Regions, as well as in Latium, Umbria, Tuscany, Emilia, Veneto, Alto Adige and Lombardy), Neapolitan Roma (also called Napilnegre; well integrated, they live in groups around the Parthenopean area and in other provinces of the Campania Region), Rom Cilentani (in the province of Salerno), Rom Campani (in Irpinia and in the province of Benevento), Rom Lucani (in the Basilicata Region), Apulean Roma, Calabrian Roma and Sicilian Camminanti (who are semi-sedentary and who can be found also in the towns of Milan, Rome and Naples);

(c) The Harvati Roma: who emigrated from the north of Yugoslavia as a consequence of the two world wars;

(d) The Vlakh Roma: within this group it is possible to distinguish the Kalderasha Roma (the subject of the Ustascia persecution during the early 1940s), the Lovara Roma (mainly of Spanish and Portuguese citizenship, they transit in Italy for long periods for economic and religious reasons) and the Churara Roma (originally from the Moldavian and Valakian regions); all of these groups reached Italy, in various stages, at the beginning of the twentieth century, after numerous peregrinations;

(e) The Roma who have arrived in more recent times, from the mid-1960s, come from Eastern European regions and are traditionally sedentary: Khorakhane Shiftarija (Muslims from Kosovo, Macedonia and Montenegro), Khorakhane Crnagora (Muslims from Montenegro), Khorakhane Cergarija (Muslims from the town of Sarjevo, mainly settled in Rome), Kanjarja (orthodox Christians from Serbia and Macedonia), Rudari (orthodox Christians from the town of Belgrade).

10.2 Roma as a minority

232. The need, expressed on numerous occasions by our Government, to adequately promote a process of all-embracing integration of the gypsy communities present on Italian territory, has been paired, in recent times, by an obstacle which has already been encountered at an international level, namely that of proceeding to a precise definition of the minority phenomenon. In particular, the recognition of minority status for Roma and Sinti groups has been the subject of extensive debates, within both the European Community and the Council of Europe: nonetheless certain doubts remain unresolved, especially those concerning the typology of the minority status to be attributed to members of gypsy communities and the identification of individual beneficiaries of specific rights who must be guaranteed fully fledged and complete protection because of their membership to the group in question.

233. It has been possible to trace for these populations some elements capable of triggering certain instruments for the protection of the typical rights of national minorities. In other instances, it has been possible to find a status of transnational minority thanks to the prevailing characteristic of lack of State links. Our country has felt the above-mentioned doubts as well. In Italy the issue has been confronted through a two-pronged approach, namely at a central and at a local level, in tune with the ratification by the Government of the Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 (entered into force, in Italy, on 1 March 1998), and supported, in recent times, by a planning of strategies of intervention aiming at focusing attention on the possible attribution of historical-linguistic minority status to gypsy populations.
Indeed, it is precisely the elements of ethnic specificity and cultural diversity that have contributed to the promotion of legislative tools essential to the process of definition of the characteristics of the gypsy minority and of primary importance to the guarantee of effective protection.

234. At the central level, it has not been deemed appropriate to encompass the gypsy minority within the law concerning the protection of linguistic-historical minorities. However, during its

session of 17 June 1998, the Chamber of Deputies, whilst removing from the above-mentioned proposed law the parts regarding Roma and Sinti, explicitly decided to newly submit those same parts to the First Commission so as to develop them in a separate specific provision, entitled "Norms concerning the protection of the gypsy minority" ("*Norme in materia di tutela della minoranza zingara*").

235. The attention for the reality of the Roma and Sinti minorities has found explicit relevance also within the Senate. As a matter of fact, during the examination for the final approval of the above-mentioned law, the joint Commissions I and VII, on 2 June 1999, approved an agenda committing the Government to sign the European Charter for Regional or Minority Languages on the basis of a number of considerations, including the existence of "linguistic and cultural heritage typical of non-sedentary populations, such as the languages spoken by the Roma and Sinti, deserving protection".

236. The main reasons for the situation in which the gypsy communities presently find themselves are to be traced to the difficulties experienced in satisfying the element of citizenship and to the ability of proving, instead, a mere, more or less, stable residence which, however, is insufficient to grant individuals the status of member of a recognized and protected minority under article 6 of the Italian Constitution.

237. On the other hand, the action taken by the competent authorities at a local level (particularly at a regional level) to promote and ensure respect for the culture and language of the gypsy population could be of major interest for a concrete recognition of minority status for this group. The aforementioned approach started in the 1980s in the Veneto Region and was then followed by incisive regional normative interventions in Latium, in the autonomous province of Trento, in Sardinia, in Friuli Venezia Giulia, in Emilia Romagna and in Tuscany.

238. There are abundant regional laws providing specifically for the populations in question. In this regard, there follows a listing of the laws enacted at a regional level:

- Law of the Emilia Romagna Region 23 November 1988, No. 47 "*Norme per le minoranze nomadi in Emilia Romagna*" ("Norms for the nomadic minorities in Emilia Romagna");

- Law of the Emilia Romagna Region 6 September 1993, No. 34 containing amendments to the Regional Law 23 November 1988 "*Norme per le minoranze nomadi in Emilia Romagna*" ("Norms for the nomadic minorities in Emilia Romagna") and to Law 12 January 1985, No. 2 "*Riordino e programmazione delle funzioni di assistenza sociale*" ("Rearrangement and programming of social assistance functions");

- Law of the Friuli Venezia Giulia Region 14 March 1988, No. 11 "*Norme a tutela della cultura rom nell'ambito del territorio della Regione autonoma Friuli Venezia Giulia*" ("Norms protecting the Roma culture within the territory of the Autonomous Region of Friuli Venezia Giulia");

- Law of the Friuli Venezia Giulia Region 20 June 1988, No. 54 and Law 24/6/1991, No. 25 "*Modifiche della Legge regionale November 1988* " ("Amendments to Regional Law 11/1988");

- Law of the Latium Region 24 May 1985, No. 82 "*Norme a favore dei Rom*" ("Norms in favour of the Roma");

- Law of the Latium Region 30 March 1992, No. 29 "*Norme per l'attuazione del diritto allo studio*" ("Provisions for the implementation of the right to education");

- Law of the Lombardy Region 22 December 1989, No. 77 "*Azione regionale per la tutela delle populazioni appartenenti alle etnie tradizionalmente nomadi e seminomadi*" ("Regional action for the protection of populations belonging to traditionally nomadic or semi-nomadic ethnic groups");

- Law of the Marche Region 5 January 1994, No. 3 "*Interventi a favore degli emigrati, degli immigrati, dei rifugiati, degli apolidi, dei nomadi e delle loro famiglie*" ("Interventions in favour of emigrants, immigrants, refugees, stateless persons, nomads and their families");

- Law of the Piemonte Region 10 June 1993, No. 26 "*Tutela dell'etnia e della cultura dei nomadi*" ("Protection of the ethnicity and culture of nomads");

- Law of the Sardinia Region 9 March 1988, No. 26 "*Interventi a favore della popolazione zingara*" ("Interventions in favour of the gypsy population");

- Law of the Tuscany Region 12 March 1988, No. 17 "*Interventi per la tutela dell'etnia rom*" ("Interventions for the protection of the Roma ethnic group");

- Law of the Autonomous Region of Trento 2 September 1985, No. 15 "*Norme a tutela degli zingari*" ("Norms protecting gypsies");

- Law of the Umbria Region 27 April 1990, No. 32 "*Misure per favorire l'inserimento dei nomadi nelle società e tutela della loro identità e del loro patrimonio culturale*" ("Measures favouring the integration of nomads in society and protection of their identity and cultural heritage");

- Law of the Veneto Region 22 December 1989, No. 54 "*Interventi a tutela della cultura Rom e dei Sinti*" ("Interventions protecting the Roma and Sinti culture").

239. Furthermore, the Senate of the Republic is presently examining a draft law (A.S. No. 3069) entitled "*Tutela del diritto al nomadismo e riconoscimento delle popolazioni zingare quale minoranza linguistica*" ("Protection of the right to nomadism and recognition of the gypsy population as a linguistic minority"). Moreover, the said draft law allows extra-Community gypsies to opt for stateless status in line with the New York Convention of 28 September 1954 and envisages the creation of transit camps with amenities and of rest

areas. Finally, the draft law dedicates particular attention to the problem of the schooling of minors; to this end, the text provides for the establishment of educational courses that would meet the needs of these populations.

240. Legislative action at a local level can have encouraging results, particularly as far as the organization and management of transit camps is concerned. Related to this, mention could be made of the order of June 1999 for the evacuation of the gypsy community from the nomad camp of Rome, called Casilino 700, hosting over 1,000 individuals from various ethnic groups (Romanians, Bosnians, people from the Magreb and former Yugoslavia, and so forth). The remarkable joint efforts on the part of the institutions concerned (the Region, the Province and the Municipality) in order to remove the inhabitants of the Camp from living their existence under inhumane conditions focused on finding alternative areas, with adequate facilities, ready to host the gypsy community.

10.3 Discrimination and intolerance

241. The already mentioned high degree of heterogeneity and the complex structure of gypsy communities of different ethnicity, culture and language is beyond any doubt an extremely relevant factor in the process of elaborating and effectively implementing adequate policies of reception and integration of these populations on the Italian territory. The repeated efforts of central organs to set in motion a correct procedure in order to grant to the group (particularly to the Roma community) a specific juridical status, so as to proceed to a concrete protection of its rights, has not found an immediate counterpart at the local level.

242. The necessity of addressing the phenomenon of obvious tension between the local population and gypsies, a tension that has increased in frequency in certain regions, provinces and municipalities, has been characterized by an approach which appears to be hostile to the gypsy communities themselves. This approach has recently become more noticeable due to the substantial migratory flow of Roma individuals, deprived of valid guarantees as to their safety in Kosovar territory, towards southern Italy. According to estimates provided by the authorities, in only one month, July 1999, 1,943 Kosovars disembarked on the Apulian coasts, 1,562 of whom (men, women and children) were of Roma ethnicity.

243. The urgent provision of adequate infrastructure for the reception and support of these populations, and intervention for the protection of gypsy communities, based on reciprocal tolerance at the local level, particularly in situations of emergency such as the one mentioned above, are indispensable steps that the Italian Government has, in part, taken to ensure to the gypsy communities present in our country protection of their rights, effectively grounded on the principle of non-discrimination.

10.4 Reception and settlement

244. The present considerations expressed by governmental authorities with regard to procedures for the reception and progressive settlement of gypsy populations on Italian territory have brought to the attention of public opinion a fundamental issue: the urgent need for normative support allowing the competent organs to intervene adequately for concrete protection of the rights of persons belonging to gypsy communities.

245. Since the early 1970s, the Minister of the Interior has issued circulars (11 October 1973, 5 July 1985) addressed to the mayors of Italy, with the aim of promoting the adoption of procedures favouring the process of settlement, in our country, of gypsy communities. However, especially as far as the Roma are concerned, the mere fact of having resided on Italian territory for over two decades has not entitled these populations either to have a residence permit or to have the option of regularizing their presence, due to the lack of identity documents ascribable to the country of origin or to the host country. This situation has influenced directly the mode of settlement of the gypsy communities in the transit camps, a rather complex reality presenting a plethora of contradictions and contrasts, particularly with regard to the issue of coexistence with the mainstream society in the areas in which the transit camps are situated.

246. With regard to the above, there have been singled out significant models of settlement whose structure has been the subject of particular attention on the part of the competent local authorities, so as to proceed to a modification of those models, allowing for the adoption of appropriate procedures for the reception and integration of the gypsy populations in our territory. Reference is made here to the incidents that have occurred in the Roma community of the Scampia district of Naples, where there is no security presence to prevent instances of racism, violence and damage, and in the transit camp of Palermo, Campo della Favorita, where the Roma community is excluded from assistance benefits and from the educational, training and labour circuits, despite the fact that the community is in the main composed of individuals recognized as Italian citizens who are in possession of a residence permit.

10.5 Housing

247. The phenomenon of the progressive settlement of the gypsy population in different social structures, as a consequence of new labour market needs, has triggered a process of gradual sedentarization of the populations in question, both for the first and the second generations. Nonetheless, the lack of strong ties to the territory of the host country, as well as the lack of adequate professional qualifications, have resulted in considerable obstacles, in the context of access to the labour market and access to housing for those belonging to the communities in question.

248. In order to address the above-mentioned issues, Italy has proceeded to the adoption of a temporary measure, particularly useful in situations of emergency: that of placing caravans at the disposal of the aforementioned groups. However, the element of sedentary presence, coupled with the necessity of taking into consideration the habits and traditions of the different gypsy groups residing on Italian territory, has highlighted the need to provide facilities of a different nature to those made available on a temporary basis. In this respect, both for first and second generation Roma, the choice has been the building of mono-nuclear habitations within towns, in full respect of the cultural and occupational needs of gypsy communities. Notable examples of the application of the aforementioned process have taken place in the following Italian centres: in Cosenza (Calabria), also thanks to the financial support of the European Community, three residential units capable of housing a total of 68 families have been built in the urban area; in the municipality of Carmagnola (Turin, Piemonte) the local authorities have provided building

materials and the building costs have been assumed partly by the Roma community and partly by the administration; in Spinaceto (Abruzzo) members of the gypsy community have been assigned public housing; in Foggia (Puglia) housing has been constructed for approximately 100 families; in Genoa (Liguria) the municipal administration has erected 25 dwellings, provided with autonomous sanitary facilities, surgeries and a conference room; in the municipality of Campi Bisenzio (Florence, Tuscany) and in the province of Latina similar projects are still in the implementation phase.

249. On the basis of this approach, particular attention is paid to pilot projects foreseeing a sort of experimental engineering of auto-building: these projects considerably involve the gypsy population in decisions concerning the planning and building of the housing units, so as fully to satisfy the specific needs of individuals belonging to this community. An example of the above-mentioned model of intervention can be found in the towns of Brescia and of Collegno (Turin, Piemonte), where the Roma communities have been offered the possibility to cooperate in the planning of the buildings destined for them, so as to realize, through a subdivision of the financial burdens, real residential estates.

250. A further alternative approach, of a permanent nature, takes into consideration the phenomenon of semi-nomadism, with a regional or interregional character and related to the demand for seasonal labour, which is typical of certain gypsy communities (e.g. the Kalderasha Roma, the Sinti Giostrai and the Camminanti Siciliani). In confronting the issue, Italy has had to focus attention both on the collective needs of the various gypsy communities and on the particular individual needs of single family units: on the basis of this premise, local authorities have necessarily distinguished residential estates (that is to say, lodgings) from the transit camps.

251. The possibility of creating special transit areas exclusively for semi-nomadic communities in every main town is still being analysed: such camps, provided with common facilities and high voltage electrical energy, would host no more than 10 to 12 families, each with the possibility of utilizing essential private facilities. An element which deserves the utmost consideration in the structuring of the camps, in this context, is respect for the habits of the inhabitants: by way of example, it is important to foresee the possibility, for every family, to host, albeit for short periods of time, visiting relatives or friends; it is useful to destine an area of the camp for the storage of work tools that are not used during the winter season (such as fun-fair tools for the Sinti); moreover, it is indispensable to acquire knowledge of certain fundamental principles of the gypsy social structure, such as the concept of extended family (meaning that male children, once married, tend to remain close to their parents) or the circular arrangement of the caravans as a sign of and respect towards other families and so as to create a large area shared by all the members of the community and used for common activities (this characteristic is typical of the Kalderasha Roma).

10.6 Employment

252. In observing the main characteristics of the labour world of the gypsy communities, a particular term of reference is that of the traditional occupations transmitted from generation to generation. That of jouster, horse breeder, tinker, coppersmith, smith, silversmith and guilder are, today, occupations that can no longer provide the individual members of a gypsy community

with specific qualifications and thus which do not allow the individuals in question to present themselves in the labour market in order to earn the necessary income for survival. The possibility of redemption from such a situation of marginalization can and must be realized by means of education and training, especially so as to be able to confront life with dignity, without any forced choice between itinerant commerce, begging and stealing.

253. To this end, the government authorities have already outlined concrete proposals with regard to the possible results that the gypsy populations could achieve in the labour market. As for itinerant commerce and fun-fair activities, a proposal has been made to limit the present restrictions (suffice it to mention the issue of fiscal pressure, such as taxation of shows) and to promote the full application of Law 337/68 on the establishment of areas, in every municipal centre, for fun-fair activities.

254. There has also been an attempt to stimulate the creation of B-type cooperatives (see Law 381/91) operating in various sectors, from that of the differentiated collection of wastes to that of manufacturing (in the case of Ferrara, Emilia Romagna, the processing of wood and leather, and in the case of Lecce, Puglia, the production of kitchen utensils), from the building sector (Mantova, Lombardy) to that of workman undertakings.

255. Finally, the sector of horse breeding deserves particular attention due to the competence of the Roma settled in the central and southern regions of Italy in this field. To this end, support projects are envisaged aiming at the transformation of traditional breeding for equestrian tourism or at the opening of centres for the butchering of horse meat.

10.7 Education

256. The value of interculturality, in full respect for the principles constituting the social and cultural identity of gypsy populations, is an essential condition in order to guarantee their real participation in the main educational and training phases of the schooling system operating in our country.

257. In Italy, the first procedures aiming at the schooling of the Roma began in the 1960s, with the introduction of children of Roma origin into special schools called "*Lacio Drom*". The process of abolition of such schools, with, as a consequence, the enhancement of an effective integration of Roma minors into the Italian schooling system, has been gradual. To date, the competent governmental authorities are still acting to ensure an appropriate integration of gypsy children into mainstream schools.

258. The approach to the above-mentioned issue is characterized by problems of a two-pronged nature. On the one hand, there is a normative difficulty in that there seldom is an adequate evaluation of the dual obligation, holding true particularly in the context of education, to respect the cultural identity of the individuals concerned and to provide an effective global structure satisfying the real needs of the gypsy children and young persons introduced into the educational system (C.M. 207/1986). On the other hand there is a pedagogical-didactic problem,

in that interculturality is to be preventively guaranteed through the elaboration of appropriate teaching material, the adoption of adequate teaching methods and the concrete acknowledgement of different cultural identities.

259. Beyond any doubt, the most problematic issue is, to date, still the low level of schooling, together with the low rates of school attendance, amongst Roma children. It is to be hoped that there will be a synergical intervention aimed at the creation of first-approach structures for youngsters, schooling support services, professional training courses and traineeship grants, and educational courses for adults with the backing of a cultural mediator.

260. The presence of the above-mentioned cultural mediator is of the utmost importance. In Italy's pursuance of a sound integration policy respecting, simultaneously, differences and diversities - understood as elements which enrich knowledge and which result in a sharing of values eliminating useless prejudices - the cultural mediator has been defined as the competent organ at the relational, functional and cultural levels. The tasks of this actor can be divided into two different kinds, communicative and psycho-social. His/her function can be undertaken in the most diverse fields of action, from the sector of the national health service, to that of schooling, from the context of penitentiaries to that of tribunals and of local administrative centres. As an example, it is possible to underline the important task undertaken by the cultural mediator in the field of the health service. In the said field, the mediator acts so as to gain knowledge about the main principles which regulate the biomedical system and the means by which basic assistance is guaranteed (doctors and paediatricians) within gypsy communities, in order to be able to satisfy the primary health needs of persons belonging to those communities. Again, it could be of interest to mention the presence of the cultural mediator in the context of trials, where the mediator can serve as a link between the accused or detained person and the judicial authority, in particular with the aim of tempering the suffering caused by imprisonment or by being apart from the community to which the person belongs. Finally, the presence of the mediator in the offices for foreigners and within police headquarters would be desirable: the value of such a hypothesis, already put into practice in Rome, Florence and Naples, albeit for other groups of foreigners, would be, beyond doubt, enhanced if complemented by the application of adequate regularization procedures with regard to the gypsy communities present on Italian territory.

10.8 Health

261. The average life expectancy of those living in transit camps is around 50 years (compared to the 80 years of the national average); much more evident and dramatic is the quota of infant mortality.

262. The need for the government authorities to adopt a serious social policy is considered an essential priority in order to address, with appropriate support tools, questions concerning the habitat and health of the gypsy populations of recent sedentarization or which are semi-sedentary. The Presidency of the Council of Ministers and the Ministry of Health have reiterated, on numerous occasions, the necessity to activate the competent organs and bodies, at a

local and central level, together with voluntary associations, in a common attempt to intervene with the aim of guaranteeing to the residential estates or to the transit camps, respect for the most elementary norms of civilized living (electricity, drinkable water, a sewerage system, the collection of wastes). Moreover, there should also be an attempt to regulate, in a more detailed way, access to and use of the services, information regarding pathologies, training and retraining of medical personnel and the provision of practical courses in the care and hygiene of the person.

263. The contents of Law 40/98 and of the National Health Plan for 1998-2000 are evidence of the priority interest expressed by our Government, in the health protection of the gypsy populations. Among the strategic goals identified, is that of pursuing "the strengthening of the protection of weak individuals, with particular attention to mothers and to immigrants".

ANNEXES

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